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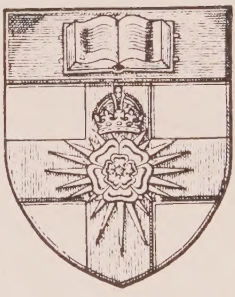

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THE

LAW REPORTS.

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The Public General Statutes,

PASSED IN THE SEVENTH YEAR

OF THE REIGN OF HIS MAJESTY

KING EDWARD THE SEVENTH.

1907.

VOL. XLV.

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TABLE

OF

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7 EDWARD 7.—A.D. 1907.

1. AN Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand nine hundred and seven and one thousand nine hundred and eight. (*Consolidated Fund* (*No.* 1).)

2. An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army. (*Army* (*Annual*).)

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4. An Act to extend the Destructive Insects Act, 1877, to all Pests destructive to Crops, Trees, or Bushes. (*Destructive Insects and Pests.*)

5. An Act to re-enact with amendments the Injured Animals Act, 1894. (*Injured Animals.*)

6. An Act to provide for raising further Money for the purpose of the Telegraph Acts, 1863 to 1906. (*Telegraph Money.*)

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8. An Act to exempt from Assay Foreign Watch-Cases imported into the United Kingdom before the first day of June nineteen hundred and seven. (*Assay of Imported Watch-Cases* (*Existing Stocks Exemption*).)

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19. An Act to enable portion of a term of imprisonment in Ireland to be remitted as a reward for good conduct. (*Prisons* (*Ireland*).)

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23. An Act to establish a Court of Criminal Appeal and to amend the Law relating to Appeals in Criminal Cases. (*Criminal Appeal.*)

24. An Act to establish Limited Partnerships. (*Limited Partnerships.*)

25. An Act for amending the Law relating to the Administration of Oaths for the purpose of Proceedings in Prize Courts. (*Commissioners for Oaths (Prize Proceedings).*)

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30. An Act to amend sections fifty-seven, fifty-eight, and fifty-nine of the Public Health (Scotland) Act, 1897, relating to the prevention of infectious diseases. (*Public Health (Scotland) Amendment.*)

31. An Act to substitute a Statutory Declaration for the Certificate required under section two of the Vaccination Act, 1898, of Conscientious Objection. (*Vaccination.*)

32. An Act to enable regulations to be made for the prevention of danger arising to public health from the importation, preparation, storage, and distribution of articles of food. (*Public Health (Regulations as to Food).*)

33. An Act to amend the Law relating to the capacity of Women to be elected and act as Members of County or Borough Councils. (*Qualification of Women (County and Borough Councils).*)

34. An Act to continue various Expiring Laws. (*Expiring Laws Continuance.*)

35. An Act to amend the Law as to the Council of India. (*Council of India.*)

36. An Act to grant Money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans. (*Public Works Loans.*)

37. An Act to authorise the Treasury to guarantee the payment of a Loan to be raised by the Colony of the Transvaal. (*Transvaal Loan (Guarantee).*)

38. An Act to make provision with respect to the Disposal of Mining Rights under section thirteen of the Irish Land Act, 1903, and to amend section fifty-four of that Act. (*Irish Land.*)

39. An Act to amend the Factory and Workshop Act, 1901, with respect to Laundries, and to extend that Act to certain Institutions and to provide for the inspection of certain premises. (*Factory and Workshop.*)

40. An Act to provide for the early notification of Births. (*Notification of Births.*)

41. An Act to regulate Whale Fisheries in Scotland. (*Whale Fisheries (Scotland).*)

42. An Act to provide for the payment to the Fishery Board for Scotland of the penalties or other moneys recovered in respect of illegal sea fishing in Scotland. (*Sea Fisheries (Scotland) Application of Penalties.*)

43. An Act to make provision for the better administration by the Central and Local Authorities in England and Wales of the enactments relating to Education. (*Education (Administrative Provisions).*)

44. An Act to provide for the Abolition of two Judgeships of the High Court in Ireland, and to reduce the Salary of the Lord Chancellor of Ireland, and for other purposes connected therewith. (*Supreme Court of Judicature (Ireland).*)

45. An Act to render compulsory the carrying of Lights by Vehicles at Night. (*Lights on Vehicles.*)

46. An Act to apply the provisions of the Life Assurance Companies Acts, 1870 to 1872, to companies carrying on the business of insuring Employers against liability to pay compensation or damages to workmen in their Employment. (*Employers' Liability Insurance Companies.*)

47. An Act to amend the Law relating to marriage with a Deceased Wife's Sister. (*Deceased Wife's Sister's Marriage.*)

48. An Act to amend the Law relating to the capacity of Women to be elected and act as Members of County or Town Councils in Scotland. (*Qualification of Women (County and Town Councils) (Scotland).*)

49. An Act to amend the Law with respect to Vaccination in Scotland by authorising a statutory declaration of conscientious objection. (*Vaccination (Scotland).*)

50. An Act to amend the Companies Acts, 1862 to 1900. (*Companies.*)

51. An Act to regulate and amend the Laws and practice relating to the civil procedure in Sheriff Courts in Scotland, and for other purposes. (*Sheriff Courts (Scotland).*)

52. An Act to amend section seventy-eight of the Merchant Shipping Act, 1894, with respect to the deduction of the space occupied by propelling power in ascertaining the tonnage of a ship. (*Merchant Shipping.*)

53. An Act to amend the Public Health Acts. (*Public Health Acts Amendment.*)

54. An Act to amend the Law with respect to Small Holdings and Allotments. (*Small Holdings and Allotments.*)

55. An Act to amend the Law relating to Cabs and Stage Carriages in London. (*London Cab and Stage Carriage.*)

56. An Act to facilitate the provision of Land for certain Evicted Tenants in Ireland and for other purposes connected therewith, and to make provision with respect to the tenure of office by the Estates Commissioners. (*Evicted Tenants (Ireland).*)

THE

PUBLIC GENERAL STATUTES.

7 EDWARD 7.

CHAPTER 1.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand nine hundred and seven and one thousand nine hundred and eight.

[22nd March 1907.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sums herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Issue of 71,715*l.* out of the Consolidated Fund for the service of the year ending 31st March 1907.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March one thousand nine hundred and seven the sum of seventy-one thousand seven hundred and fifteen pounds.

Issue of 38,114,700*l.* out of the Consolidated Fund for the service of the year ending 31st March 1908.

2. The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March one thousand nine hundred and eight the sum of thirty-eight million one hundred and fourteen thousand seven hundred pounds.

Power for the Treasury to borrow.

3.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sums, any sum or sums not exceeding in the whole thirty-eight million one hundred and eighty-six thousand four hundred and fifteen pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of

March nineteen hundred and eight, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

40 & 41 Vict. c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per cent. per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

Short title.

4. This Act may be cited as the Consolidated Fund (No. 1) Act, 1907.

CHAPTER 2.

An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army.

[29th April 1907.]

WHEREAS the raising or keeping of a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of one hundred and ninety thousand including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions:

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within

this realm, by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm; yet nevertheless, it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law, in their duty, that an exact discipline be observed, and that persons belonging to the said forces who mutiny or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

And whereas the Army Act will expire in the year one thousand nine hundred and seven on the following days:— 44 & 45 Vict. c. 58.

(*a*) In the United Kingdom, the Channel Islands, and the Isle of Man, on the thirtieth day of April; and

(*b*) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, on the thirty-first day of July; and

(*c*) Elsewhere, whether within or without His Majesty's dominions, on the thirty-first day of December:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Army (Annual) Act, 1907. Short title.

2.—(1) The Army Act shall be and remain in force during the periods herein-after mentioned, and no longer, unless otherwise provided by Parliament (that is to say):— Army Act to be in force for specified times.

(*a*) Within the United Kingdom, the Channel Islands, and the Isle of Man, from the thirtieth day of April one thousand nine hundred and seven to the thirtieth day of April one thousand nine hundred and eight, both inclusive; and

(*b*) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, from the thirty-first day of July one thousand nine hundred and seven to the thirty-first day of July one thousand nine hundred and eight, both inclusive; and

(*c*) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of December one thousand nine hundred and seven to the thirty-first day of July one thousand nine hundred and eight, both inclusive.

(2) The Army Act, while in force, shall apply to persons subject to military law, whether within or without His Majesty's dominions.

(3) A person subject to military law shall not be exempted from the provisions of the Army Act by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the number herein-before mentioned.

Prices in respect of billeting.

3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act the prices specified in the First Schedule to this Act.

AMENDMENTS OF ARMY ACT.

Amendment of Army Act as to complaint by a soldier.

4. In section forty-three of the Army Act (which deals with the mode of complaint by a soldier), after the words "to the prescribed general officer" there shall be inserted the words "or in the case of a soldier serving in India to such officer as "the Commander-in-Chief of the forces in India with the "approval of the Governor-General of India in Council may "appoint."

Amendment of Army Act as to taking of evidence before a commanding officer.

5. In subsection (6) of section forty-six of the Army Act (which enables the accused person to demand that the evidence taken against him before the commanding officer shall be taken on oath), for the words "where the power of summary award "by a commanding officer exceeds a sentence of seven days' "detention" there shall be substituted the words "where "the commanding officer has power to deal with the case "summarily."

Amendment of Army Act as to rules relating to military prisons and prisoners.

6. In subsection (2) of section one hundred and thirty-three of the Army Act (which relates to the power of a Secretary of State to make rules with respect to military prisons and prisoners), for the words "military prisoners" there shall be substituted the words "military or other prisoners."

Amendment of Army Act as to sentences on officers of Indian Staff Corps.

7. Paragraph (*e*) of subsection (2) of section one hundred and eighty of the Army Act (which relates to sentences on officers of the Indian Staff Corps) shall be repealed.

Amendment of Army Act as to billeting.

8. For paragraph (2) of Part I. of the Second Schedule to the Army Act (which relates to billeting) there shall be substituted the paragraph set forth in the Second Schedule to this Act, and in the third paragraph of the said part of the said Schedule to the Army Act for the words "a hot meal" there shall be substituted the words "a meal."

Adaptation of provision of Army Act to punishment of detention.

9.—(1) For the purpose of giving effect to the provisions of the Army (Annual) Act, 1906, relating to the punishment of detention, the modifications set out in the Third Schedule to this Act shall be made in the Army Act.

(2) Section 135A of the Army Act is hereby repealed.

Provisions as to punishments on active service.

10. In the provisions of the Army Act relating to punishments on active service, the following amendments shall be made:—

(1) In section forty-four (which relates to the scale of punishments by courts-martial)—

(*a*) There shall be substituted for proviso (5) the following proviso:—

"(5) Where a soldier on active service is guilty of any offence it shall be lawful for a

court-martial to award for that offence such field punishment other than flogging as may be directed by rules to be made from time to time by a Secretary of State, and such field punishment shall be of the character of personal restraint or of hard labour, but shall not be of a nature to cause injury to life or limb";

(*b*) The words "field punishment" shall be substituted for the words "summary punishment" wherever those words occur in provisoes (9) and (10);

(*c*) Provisoes (6), (7), and (8) shall be repealed;

(*d*) The following proviso shall be added as a new proviso after proviso (5):—

"(6) In addition to or without any other punishment in respect of an offence committed by a soldier on active service, it shall be lawful for a court-martial to order that the offender forfeit all ordinary pay for a period commencing on the day of the sentence and not exceeding three months.

(2) In section forty-six (which relates to the powers of commanding officers)—

(*a*) At the end of subsection (2) there shall be added the following paragraph:—

"and

"(*d*) In the case of an offence by a soldier (not being a non-commissioned officer) on active service, may award to the offender field punishment within the meaning of section forty-four of this Act for any period not exceeding twenty eight days, and may in addition to or without any other punishment order that the offender forfeit all ordinary pay for a period commencing on the day of the sentence and not exceeding twenty-eight days;"

(*b*) In subsection (3) the words "not on duty and "it is not an aggravated offence of drunkenness "within the meaning of section forty-four of this "Act" shall be repealed, and after the word "unless" there shall be added the words "the "offence was committed on active service or on "duty, or after the offender was warned for duty, or "unless by reason of the drunkenness the offender "was found unfit for duty, or unless."

(3) In paragraph (*d*) of subsection (1) of section forty-nine (which relates to field general courts-martial) the words "field punishment" shall be substituted for the words "summary punishment."

(4) At the end of section seventy-four (which relates to provost marshals) the following proviso shall be added :—

"Provided that a provost marshal and his assistants shall, as respects any soldier in his or their custody and undergoing field punishment, have the same powers as the governor of a military prison."

(5) At the end of section one hundred and thirty-three (which relates to the establishment and regulation of military prisons) there shall be added as a new subsection :—

"(7) In any country in which operations against the enemy are being conducted the powers of a Secretary of State under this section with respect to military prisons and detention barracks shall be exerciseable by the officer commanding-in-chief in the field, and shall include a power of declaring any place to be a military prison or a detention barrack, and the limitations on the power of making rules as to the punishment of prisoners and soldiers undergoing detention and as to the severity of imprisonment and detention shall not apply : Provided that nothing in this subsection, or in any rules made thereunder, shall authorise flogging or other corporal punishment to be inflicted for any offence."

(6) In section one hundred and thirty-eight (which relates to penal stoppages from ordinary pay of soldiers)—

(*a*) In paragraph (1), after the word "detention," in both places where it occurs, there shall be inserted the words "or field punishment" ;

(*b*) At the end the following proviso shall be added :—

"and

"(*c*) where a soldier who is sentenced or ordered in respect of an offence on active service to forfeit all ordinary pay is liable to any other penal deductions from pay, the sentence or order shall apply only to so much of his ordinary pay as remains after those other deductions have been made."

(7) In section one hundred and eighty-three of the Army Act (which contains special provisions as to non-commissioned officers)—

(*a*) In paragraph (2) after the words "may appoint," there shall be inserted the words, "and "on active service the officer commanding-in-chief "in the field and any general officer he may "appoint" ;

(*b*) In paragraph (4) after the words "penal servitude" there shall be inserted the words "field punishment."

SCHEDULES.

FIRST SCHEDULE.

Section 3.

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where meals furnished.	Sixpence per night.
Breakfast as specified in Part I. of the Second Schedule to the Army Act.	Fourpence each.
Hot dinner as so specified - - - -	Elevenpence halfpenny each.
Supper as so specified - - - - - -	Twopence halfpenny each.
Where no meals furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Sixpence per day.
Ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse.	One shilling and ninepence per day.
Lodging and attendance for officer - - -	Two shillings per night.

Note.—An officer shall pay for his food.

SECOND SCHEDULE.

Section 8.

Paragraph to be substituted for paragraph (2) of Part I. of Second Schedule to Army Act.

"(2) Shall, if required by the soldier, furnish him for every day of the march, and for not more than two days, if the soldier is halted at an intermediate place on the march for more than two days, and on the day of arrival at the place of final destination, with breakfast, hot dinner, and supper on each day, such meals to consist of such quantities of food and drink as may from time to time be fixed by His Majesty's Regulations, not exceeding—

"(*a*) For breakfast, six ounces of bread, one pint of tea with milk and sugar, four ounces of bacon ;

"(*b*) For hot dinner, one pound of meat previous to being dressed, eight ounces of bread, eight ounces of potatoes or other vegetables, one pint of beer or mineral water of equal value ;

"(*c*) For supper, six ounces of bread, one pint of tea with milk and sugar, two ounces of cheese ; and"

Section 9.

THIRD SCHEDULE.

MODIFICATIONS OF ARMY ACT.

Modification to be made.	Provisions of Army Act to be modified.
I.	
The following substitution of words shall be made :—	
"person" for "prisoner"	Sections twenty ; twenty-one ; sixty-eight, subsection (1) ; one hundred and thirty, subsection (5) ; and one hundred and thirty-one, subsection (2).
"imprisonment or detention" for "or imprisonment."	Sections fifty-seven ; sixty-eight, subsection (1) ; seventy ; one hundred and fifty-eight, subsection (2) ; one hundred and eighty-three, subsection (4) and proviso (*a*) ; and one hundred and eighty-seven.
"that person's" for "the prisoner's."	Section twenty-one.
"order the offender" for "commit such offender to prison there."	Section twenty-eight.
"accused persons" for "accuseds."	Section fifty-two, subsection (1).
"detention" for "imprisonment."	Section eighty-three, subsection (7).
II.	
The following insertion of words shall be made :—	
"or soldier" - -	After the words "such prisoner" in sections sixty-seven, subsection (1). After the word "prisoner" in section sixty-seven, subsections (2) and (3). After the word "prisoner" (except where that word follows the word "military") in section one hundred and seventy-two.
"or detention barrack" -	After the word "prison" in sections sixty-seven, subsection (2) ; one hundred and thirty, subsection (5) ; and one hundred and thirty-one, subsection (2). After the words "a military prison" in section one hundred and thirty-three, subsection (1). After the words "military prison" in section one hundred and thirty-three, subsection (3).
"and detention barracks"	After the word "prisons" in sections one hundred and thirty three, subsections (2) and (5) ; and one hundred and eighty-seven.
"or detention, as the case may be."	After the words "for the purposes of the provisions of this Act relating to imprisonment" in sections sixty-four and sixty-five.

Modification to be made.	Provisions of Army Act to be modified.
"or detention" - -	After the words "of imprisonment" in sections sixty-four, sixty-five, sixty-six, and sixty-seven. After the word "imprisonment" in sections sixty-eight, one hundred and thirty, one hundred and thirty-one, one hundred and thirty-three subsection (2), and one hundred and forty.
"or soldier undergoing detention."	After the word "prisoner" in sections sixty-four, paras. (2) (*d*), (3) (*c*), and (4) (*c*); sixty-five, paras. (4) (*c*), (5) (*a*), and (6) (*b*); and sixty-six. After the words "military prisoner" in sections sixty-seven, subsection (1); and one hundred and seventy-two, subsections (2) and (4).
"or, in the case of a "soldier to undergo "detention."	After the word "labour" in section twenty-eight.
"or undergoing detention."	After the word "imprisoned" in section one hundred and thirty, subsection (5).
"and soldiers undergoing detention."	Before the word "therein" in section one hundred and thirty three, subsection (2).
"or soldiers" - -	After the words "such prisoners" in section one hundred and thirty-three, subsection (2).
"made to undergo detention."	After the word "imprisoned" in section one hundred and fifty-eight, subsection (2).
"or a soldier undergoing detention."	After the words "military prisoner" in section one hundred and seventy-two, subsection (5).

III.

The following section shall be substituted for section sixty-three :—

Execution of sentences of imprisonment and detention.

"63.—(1) Where a sentence of imprisonment is passed by court-martial, the person on whom that sentence has been passed (in the provisions of this Act relating to imprisonment referred to as a military prisoner) shall undergo the term of his imprisonment either in military custody or in a detention barrack or in a public prison, or partly in one way and partly in another, and, where a sentence of detention is passed by a court-martial or a commanding officer, the person on whom that sentence has been passed (in the provisions of this Act relating to detention referred to as a soldier undergoing detention) shall undergo the term of his detention either in military custody or in a detention barrack, or partly in one way and partly in the other, but not in a prison.

"(2) Any person liable to be imprisoned in a military prison may be confined in a detention barrack.

"(3) The order of the committing authority hereafter mentioned shall be a sufficient warrant for the transfer of a military prisoner to a public prison or a detention barrack, or a soldier undergoing detention to a detention barrack.

"(4) A military prisoner while in a public prison shall be confined, kept to hard labour, and otherwise dealt with in the like manner as an ordinary prisoner under a like sentence of imprisonment; and, where

" the hospital or place for the reception of sick persons in a public prison " or a detention barrack is detached from the prison or detention barrack, " a military prisoner or a soldier undergoing detention may be detained in " that hospital or place, and conveyed to or from the same as circumstances " require.

" (5) A military prisoner or a soldier undergoing detention, during " his conveyance from place to place, or when on board ship or otherwise, " may be subjected to such restraint as is necessary for his safe custody " and removal.

" (6) The discharging authority hereafter mentioned may, at any time " during the period of the imprisonment of a military prisoner, or of " the detention of a soldier undergoing detention, by order discharge the " prisoner or soldier.

" (7) The committing authority or any other prescribed authority may " at any time by order remove a military prisoner from one public prison " or detention barrack to another prison or detention barrack, or a soldier " undergoing detention from one detention barrack to another, so that " he be not removed from a prison or detention barrack in the United " Kingdom to a prison or detention barrack elsewhere.

" (8) The removing authority hereafter mentioned may, at any time " during the period of the imprisonment of a military prisoner or of the " detention of a soldier undergoing detention, from time to time by order " provide for his being brought before a court-martial, or any civil court, " either as a witness, or for trial or otherwise, and an order of such " authority shall be a sufficient warrant for delivering him into military " custody and detaining him in custody until he can be returned, and for " returning him to the place from whence he is brought, or to such other " place as may be determined by the removing authority."

CHAPTER 3.

An Act to repeal the Law which prohibits the Growing of Tobacco in Ireland. [4th July 1907.]

WHEREAS it is of the greatest importance that every attention and encouragement should be given to the produce and manufactures of Ireland:

1 & 2 Will. 4. c. 13.

And whereas by virtue of the Tobacco Cultivation Act, 1831, the cultivation of tobacco within the kingdom of Ireland, and the exportation of the same from thence, is prohibited:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Acts prohibiting growth of tobacco in Ireland to be repealed when an excise duty is imposed.

1.—(1) As from a date to be fixed by His Majesty by Order in Council as soon as Parliament has made provision for an excise duty on tobacco produced in Ireland, the Tobacco Cultivation Act, 1831, and any other Act, so far as it prohibits or restrains the setting, planting, or improving to grow, making, or curing tobacco, either in seed, plant, or otherwise, in the kingdom of Ireland, shall be, and the same is, hereby repealed and made void.

(2) The Commissioners of Inland Revenue may make regulations prohibiting the growth or cultivation of tobacco in

Ireland and the manufacture or preparation of tobacco grown in Ireland except by persons holding a licence, and on land or premises approved by the Commissioners for the purpose, and for fixing the date of the expiration of a licence, and also for regulating such growth, cultivation, manufacture, or preparation, with a view to securing and collecting any excise duty for the time being payable in respect of tobacco, and for applying thereto any provision of the law relating to excise, or of the Manufactured Tobacco Act, 1863, or any Act amending the same, and, if any person acts in contravention of or fails to comply with any of those regulations, the article in respect of which the offence is committed shall be forfeited, and the person committing the offence shall be liable in respect of each offence to an excise penalty of fifty pounds.

26 & 27 Vict. c. 7.

2. Notwithstanding anything in any Act, the Commissioners of Inland Revenue may permit any persons to grow tobacco in Ireland for experimental purposes only subject to any special regulations and conditions they think fit, and subject to any allowance in respect of any duty for the time being payable as may be sanctioned by the Treasury.

Power to authorise growth of tobacco for experimental purposes.

3. This Act may be cited as the Irish Tobacco Act, 1907.

Short title.

CHAPTER 4.

An Act to extend the Destructive Insects Act, 1877, to all Pests destructive to Crops, Trees, or Bushes.

[4th July 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1.—(1) The Board of Agriculture and Fisheries may, for the purpose of preventing the introduction into Great Britain of any insect, fungus, or other pest destructive to agricultural or horticultural crops or to trees or bushes, and for preventing the spreading in Great Britain of any such insect, fungus, or other pest, exercise all such powers as may be exercised by the Board in relation to the Colorado beetle under the Destructive Insects Act, 1877 ; and that Act shall apply accordingly as if in that Act the expression "insect" included all such insects, fungi, and other pests, and the expression "crop" included all such crops, trees, and bushes :

Extension of 40 & 41 Vict. c. 68 to all pests.

Provided that the Board shall not make an order directing the payment of compensation by any local authority for the removal or destruction of any crop or any trees or bushes unless the local authority consent to make the payment.

56 & 57 Vict. c. 66.

(2) Section one of the Rules Publication Act, 1893, shall not apply to any order made under the Destructive Insects Act, 1877, or this Act.

(3) This Act shall apply to Ireland as if Ireland were named therein instead of Great Britain and with the substitution of the Department of Agriculture and Technical Instruction for Ireland for the Board of Agriculture and Fisheries.

Short title.

2. This Act may be cited as the Destructive Insects and Pests Act, 1907; and the Destructive Insects Act, 1877, and this Act may be cited together as the Destructive Insects and Pests Acts, 1877 and 1907.

CHAPTER 5.

An Act to re-enact with amendments the Injured Animals Act, 1894. [26th July 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Slaughter of injured animals by or by order of police.

1.—(1) If a police constable finds any animal so diseased or so severely injured or in such a physical condition that it cannot without cruelty be removed, he shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon a duly registered veterinary surgeon, if any such veterinary surgeon resides within a reasonable distance, and, if it appears by the certificate of such veterinary surgeon that the animal is mortally injured or so severely injured or so diseased or in such a physical condition that it is cruel to keep it alive, it shall be lawful for the police constable, without the consent of the owner, to slaughter the animal or cause it to be slaughtered with such instruments or appliances, and with such precautions, and in such manner, as to inflict as little pain and suffering as practicable, and, if the slaughter takes place in a street or public place, to remove the carcase or cause it to be removed therefrom.

(2) Any reasonable expense which may be incurred by any constable in carrying out the provisions of this Act may be recovered from the owner summarily as a civil debt, and, subject thereto, any such expense shall be defrayed out of the fund from which the expenses of the police are payable in the area in which the animal is found.

Definition of animal.

2. For the purposes of this Act the word "animal" means any horse, mule, ass, bull, cow, ox, heifer, calf, sheep, goat, or swine.

Short title and repeal.

3.—(1) This Act may be cited for all purposes as the Injured Animals Act, 1907.

57 & 58 Vict. c. 22.

(2) The Injured Animals Act, 1894, is hereby repealed.

CHAPTER 6.

An Act to provide for raising further Money for the purpose of the Telegraph Acts, 1863 to 1906.

[2nd August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Grant of 6,000,000*l.* for the purpose of the Telegraph Acts.

1.—(1) The Treasury may, with a view to the development of that part of the telegraphic system of the United Kingdom which is called the telephonic system, without prejudice to the exercise of any powers previously given for the like purpose, issue out of the Consolidated Fund, or the growing produce thereof, such sums, not exceeding in the whole the sum of six million pounds, as may be required by the Postmaster-General for the purpose of developing the telephonic system aforesaid according to estimates approved by the Treasury.

(2) The Treasury may, if they think fit, with a view to provide money for sums so authorised to be issued out of the Consolidated Fund, or for repaying to that fund all or any part of the sums so issued, borrow by means of terminable annuities for a term not exceeding twenty years, and all sums so borrowed shall be paid into the Exchequer.

(3) The said annuities shall be paid out of moneys provided by Parliament for the service of the Post Office, and, if those moneys are insufficient, shall be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof at such times in each year as may be fixed by the Treasury.

Short title.

2. This Act may be cited as the Telegraph (Money) Act, 1907, and may be cited with the Telegraph Acts, 1863 to 1906.

CHAPTER 7.

An Act to amend the Law relating to the Reservation for His Majesty's pleasure of Bills passed by the Legislatures of the States forming part of the Commonwealth of Australia, and to confirm certain Acts passed by those Legislatures.

[2nd August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Reservation of Bills.

1.—(1) There shall be reserved, for the signification of His Majesty's pleasure thereon, every Bill passed by the Legislature

of any State forming part of the Commonwealth of Australia which—

(*a*) alters the constitution of the Legislature of the State or of either House thereof ; or

(*b*) affects the salary of the Governor of the State ; or

(*c*) is, under any Act of the Legislature of the State passed after the passing of this Act, or under any provision contained in the Bill itself, required to be reserved ;

but, save as aforesaid, it shall not be necessary to so reserve any Bill passed by any such Legislature :

Provided that—

(*a*) nothing in this Act shall affect the reservation of Bills in accordance with any instructions given to the Governor of the State by His Majesty ; and

(*b*) it shall not be necessary to reserve a Bill for a temporary law which the Governor expressly declares necessary to be assented to forthwith by reason of some public and pressing emergency ; and

(*c*) it shall not be necessary to reserve any Bill if the Governor declares that he withholds His Majesty's assent, or if he has previously received instructions from His Majesty to assent and does assent accordingly to the Bill.

(2) For the purposes of this section a Bill shall not be treated as a Bill altering the constitution of the Legislature of a State or of either House thereof by reason only that the Bill—

(*a*) creates, alters, or affects any province, district, or town, or division of a province, district, or town, which returns one or more members to either House of the Legislature ; or

(*b*) fixes or alters the number of members to be elected for any such province, district, or town, or division of a province, district, or town ; or

(*c*) increases or decreases the total number of elective members of either House of the Legislature ; or

(*d*) concerns the election of the elective members of the Legislature, or either House thereof, or the qualifications of electors or elective members.

5 & 6 Vict. c. 76.

(3) Section thirty-three of the Australian Constitutions Act, 1842, shall apply to Bills reserved under this Act in like manner as it applies to Bills reserved under that Act with the substitution of references to a State forming part of the Commonwealth of Australia for references to the colony of New South Wales, and of references to both Houses of the Legislature of the State for references to the Legislative Council.

(4) So much of any Act of Parliament or Order in Council as requires any Bill passed by the Legislature of any such State to be reserved for the signification of His Majesty's pleasure thereon, or to be laid before the Houses of Parliament before His

Majesty's pleasure is signified, and, in particular, the enactments mentioned in the Schedule to this Act, to the extent specified in the third column of that Schedule, shall be repealed both as originally enacted and as incorporated in or applied by any other Act of Parliament or any Order in Council or letters patent.

Confirmation of certain Australian Acts.

2.—(1) Any Act passed by the Legislature of any such State, and assented to in the name of His Majesty by the Governor and not disallowed by His Majesty before the passing of this Act, shall, notwithstanding that the Bill for the Act ought to have been but was not reserved for the signification of His Majesty's pleasure thereon, and notwithstanding that it ought to have been but was not duly laid before both Houses of Parliament, be deemed to be and to have been as from the date of that assent as valid as if the Bill had been so reserved and as if it had been laid before both Houses of Parliament, and as if His Majesty's assent to the Bill had been duly given and signified in the State at the date aforesaid.

(2) For the purposes of this section references to Acts passed by the Legislature of a State shall be construed as including references to Acts passed before the establishment of the Commonwealth of Australia by the Legislature of any colony which now forms part of that Commonwealth, and references to His Majesty shall be construed as including references to Her late Majesty.

Short title.

3. This Act may be cited as the Australian States Constitution Act, 1907.

SCHEDULE.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
5 & 6 Vict. c. 76.	The Australian Constitutions Act, 1842.	Section thirty-one, from "and all Bills altering" to the end of the section.
7 & 8 Vict. c. 74.	The Australian Constitutions Act, 1844.	Sections seven and eight.
13 & 14 Vict. c. 59.	The Australian Constitutions Act, 1850.	In section twelve, the words "and "the reservation of Bills for the "signification of Her Majesty's "pleasure thereon, and the Bills "so reserved." Section thirty-two, from "Provided always" to the end of the section. Section thirty-three.

Session and Chapter.	Short Title.	Extent of Repeal.
18 & 19 Vict. c. 54.	The New South Wales Constitution Act, 1855.	In section three, the words "and the "reservation of Bills for the "signification of Her Majesty's "pleasure thereon."
18 & 19 Vict. c. 55.	The Victoria Constitution Act, 1855.	In section three, the words "and the "reservation of Bills for the "signification of Her Majesty's "pleasure thereon."
25 & 26 Vict. c. 11.	The Australian Constitutions Act, 1862.	Section two.
53 & 54 Vict. c. 26.	The Western Australia Constitution Act, 1890.	In section two, the words "and the "reservation of Bills for the "signification of Her Majesty's "pleasure thereon."

CHAPTER 8.

An Act to exempt from Assay Foreign Watch-Cases imported into the United Kingdom before the first day of June nineteen hundred and seven.

[2nd August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Foreign watch-cases imported before certain date exempt from assay. 5 & 6 Vict. c. 47. 46 & 47 Vict. c. 55.

1.—(1) All watch-cases imported from foreign parts into the United Kingdom at any time before the first day of June nineteen hundred and seven shall be exempted from assay in the United Kingdom, and shall accordingly not be subject to the provisions of section fifty-nine of the Customs Act, 1842, or section ten of the Revenue Act, 1883, but, if on any proceedings a question arises whether any watch-case is exempted from assay under the provisions of this Act, it shall lie on the person alleging that the watch-case is exempted to prove that it is so exempted.

(2) Where any watch-case to which this Act applies is exported from and subsequently re-imported into the United Kingdom, the exemption from assay conferred by this Act shall not be allowed unless the watch-case is identified in the prescribed manner at the prescribed assay office as a watch-case to which such exemption attaches.

In this provision "prescribed" means prescribed by regulations made for the purpose by the Commissioners of Customs, and the regulations so made may provide for the removal of any watch-case in respect of which exemption is claimed to the prescribed assay office and for the payment of fees.

Short title.

2. This Act may be cited as the Assay of Imported Watch-Cases (Existing Stocks Exemption) Act, 1907.

CHAPTER 9.

An Act to provide for the reorganisation of His Majesty's military forces and for that purpose to authorise the establishment of County Associations, and the raising and maintenance of a Territorial Force, and for amending the Acts relating to the Reserve Forces.

[2nd August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

House acquired by County Assoc. under this act & used as residences for officers of Territorial Force — is occupied for purposes of the Crown & exempt from rateability to poor rate Wilson v Thomas, 1911, 1 KB. 43. & R.C. (No 2) 1912 1 KB 690

PART I.

COUNTY ASSOCIATIONS.

Establishment of associations.

1.—(1) For the purposes of the reorganisation under this Act of His Majesty's military forces other than the regulars and their reserves, and of the administration of those forces when so reorganised, and for such other purposes as are mentioned in this Act, an association may be established for any county in the United Kingdom, with such powers and duties in connection with the purposes aforesaid as may be conferred on it by or under this Act.

(2) Associations shall be constituted, and the members thereof shall be appointed and hold office in accordance with schemes to be made by the Army Council.

(3) Every such scheme shall provide—

(*a*) For the date of the establishment of the association:

(*b*) For the incorporation of the association by an appropriate name, with power to hold land for the purposes of this Act without licence in mortmain:

(*c*) For constituting the lieutenant of the county, or failing him such other person as the Army Council may think fit, president of the association:

(*d*) For the appointment of such number of officers representative of all arms and branches of the Territorial

Force raised under this Act within the county (not being less than one-half of the whole number of the association) as may be specified in the scheme:

(*e*) For the appointment by the Army Council, where it appears desirable, and after consultation with, and on the recommendation of, the authorities to be represented, of representatives of county and county borough councils and universities wholly or partly within the county:

(*f*) For the appointment of such number of co-opted members as the scheme may prescribe, including, if thought desirable, representatives of the interests of employers and workmen:

(*g*) For the appointment by the Army Council during the first three years after the passing of this Act, and subsequently for the election of a chairman and vice-chairman by the association, and for defining their powers and duties:

(*h*) For the mode of appointment, term of office, and rotation of members of the association, and the filling of casual vacancies:

(*i*) For the appointment by the association, subject to the approval of the Army Council, of a secretary and other officers of the association, and the accountability of such officers, and for the provision of offices:

(*j*) For the procedure to be adopted, including the appointment of committees and the delegation to committees of any of the powers or duties of the association:

(*k*) For enabling such general officers of any part of His Majesty's forces, and not being members of the association, as may be specified in the scheme, or officers deputed by them, to attend the meetings of the association and to speak, but not to vote:

(*l*) For dividing the county, where on account of its size or population it seems desirable to do so, into two or more parts, and for constituting sub-associations for the several parts, and for apportioning amongst the several sub-associations all or any of the powers and duties of the association, and regulating the relations of sub-associations to the association and to one another.

(4) A scheme may contain any consequential, supplemental, or transitory provisions which may appear to be necessary or proper for the purposes of the scheme, and also as respects any matter for which provision may be made by regulations under this Act and for which it appears desirable to make special provision affecting the association established by the scheme.

(5) All schemes made in pursuance of this Part of this Act shall be laid before both Houses of Parliament.

(6) Until an Order in Council has been made under this Act for transferring to the Territorial Force the units of the Yeomanry and Volunteers of any county, references in this section to the Territorial Force shall as respects that county be construed as including references to the Yeomanry and Volunteers.

Powers and duties of associations.

2.—(1) It shall be the duty of an association when constituted to make itself acquainted with and conform to the plan of the Army Council for the organisation of the Territorial Force within the county and to ascertain the military resources and capabilities of the county, and to render advice and assistance to the Army Council and to such officers as the Army Council may direct, and an association shall have, exercise, and discharge such powers and duties connected with the organisation and administration of His Majesty's military forces as may for the time being be transferred or assigned to it by order of His Majesty signified under the hand of a Secretary of State or, subject thereto, by regulations under this Act, but an association shall not have any powers of command or training over any part of His Majesty's military forces.

(2) The powers and duties so transferred or assigned may include any powers conferred on or vested in His Majesty, and any powers or duties conferred or imposed on the Army Council or a Secretary of State, by statute or otherwise, and in particular respecting the following matters :—

(*a*) The organisation of the units of the Territorial Force and their administration (including maintenance) at all times other than when they are called out for training or actual military service, or when embodied :

(*b*) The recruiting for the Territorial Force both in peace and in war, and defining the limits of recruiting areas :

(*c*) The provision and maintenance of rifle ranges, buildings, magazines, and sites of camps for the Territorial Force :

(*d*) Facilitating the provision of areas to be used for manœuvres :

(*e*) Arranging with employers of labour as to holidays for training, and ascertaining the times of training best suited to the circumstances of civil life :

(*f*) Establishing or assisting cadet battalions and corps and also rifle clubs, provided that no financial assistance out of money voted by Parliament shall be given by an association in respect of any person in a battalion or corps in a school in receipt of a parliamentary grant until such person has attained the age of sixteen :

(*g*) The provision of horses for the peace requirements of the Territorial Force :

(*h*) Providing accommodation for the safe custody of arms and equipment :

(*i*) The supply of the requirements on mobilisation of the units of the Territorial Force within the county, in so far as those requirements are directed by the Army

Council to be met locally, such requirements where practicable to be embodied in regulations which shall be issued to county associations from time to time, and on the first occasion not later than the first day of January one thousand nine hundred and nine :

(*j*) The payment of separation and other allowances to the families of men of the Territorial Force when embodied or called out on actual military service :

(*k*) The registration in conjunction with the military authorities of horses for any of His Majesty's forces :

(*l*) The care of reservists and discharged soldiers.

Expenses of association.

3.—(1) The Army Council shall pay to an association, out of money voted by Parliament for army services, such sums as, in the opinon of the Army Council, are required to meet the necessary expenditure connected with the exercise and discharge by the association of its powers and duties.

(2) An association shall submit to the Army Council annually, at the prescribed time, and may submit at any other time for any special purpose, in the prescribed form and manner, a statement of its necessary requirements, and all payments to an association by the Army Council shall be made upon the basis of such statements in so far as they are approved by the Army Council.

(3) Subject to regulations under this Act, all money so paid to an association shall be applicable to any of the purposes specified in the approved statements in accordance with which the money has been granted, but not otherwise except with the written consent of the Army Council :

Provided that nothing in this section shall be construed as enabling the Army Council to give their consent to the application of money to any purpose to which, apart from this section, it could not lawfully be applied, or to give their consent, without the authority of the Treasury, in any case in which, apart from this section, the authority of the Treasury would be required.

(4) All other money received by an association (except such money, if any, as may be received by it for specified purposes) shall be available for the purposes of any of its powers and duties.

(5) An association shall cause its accounts to be made up annually and audited in such manner as may be prescribed, and shall send copies of its accounts as audited, together with any report of the auditors thereon, to the Army Council.

(6) Regulations made for the purposes of this section shall be subject to the consent of the Treasury.

(7) The members of an association shall not be under any pecuniary liability for any act done by them in their capacity as members of such association in carrying out the provisions of this Act.

Regulations.

4.—(1) Subject to the provisions of this Act, the Army Council may make regulations for carrying this Part of this Act

into effect, and may by those regulations, amongst other things, provide for the following matters :—

(*a*) For regulating the manner in which powers are to be exercised and duties performed by associations, and for specifying the services to which money paid by the Army Council is to be applicable :

(*b*) For authorising and regulating the acquisition by or on behalf of an association of land for the purposes of this Act and the disposal of any land so acquired :

(*c*) For authorising and regulating the borrowing of money by an association :

(*d*) For authorising the acceptance of any money or other property, and the taking over of any liability, by an association, and for regulating the administration of any money or property so acquired and the discharge of any liability so taken over :

(*e*) For facilitating the co-operation of an association with any other association, or with any local authority or other body, and for providing by the constitution of joint committees or otherwise for co-operative action in the organisation and administration of divisions, brigades, and other military bodies, and for the provision of assistance by one association to another :

(*f*) For affiliating cadet corps and battalions, rifle clubs, and other bodies to the Territorial Force or any part thereof :

(*g*) For or in respect of anything by this Part of this Act directed or authorised to be done or provided by regulations or to be done in the prescribed manner :

(*h*) For the application for the purposes of this Part of this Act, as respects any matters to be dealt with by regulations, of any provision in any Act of Parliament dealing with the like matters, with the necessary modifications or adaptations, and in particular of any provisions as to the acquisition of land by or on behalf of volunteer corps.

(2) All regulations made in pursuance of this Part of this Act shall be applicable to all associations, except in so far as may be otherwise provided by the regulations or by any scheme made under this Part of this Act.

(3) All regulations made under this Part of this Act shall be laid before both Houses of Parliament as soon as may be after they are made.

Joint committees of associations.

5.—(1) Any county associations may from time to time join in appointing out of their respective bodies a joint committee for any purpose in respect of which they are jointly interested.

(2) Any association appointing a joint committee under this subsection may delegate to it any power which such association might exercise for the purpose for which the committee is appointed.

(3) Subject to the terms of delegation any such joint committee shall in respect of any matter delegated to it have the same power in all respects as the associations appointing it.

(4) The costs of a joint committee shall be defrayed by the associations by whom it has been appointed, in such proportion as may be agreed between them, and the accounts of such joint committees and their officers shall for the purposes of the provisions of this Act be deemed to be accounts of the associations appointing them and of their officers.

PART II.

TERRITORIAL FORCE.

Raising and Maintenance of Force.

Raising and number of Territorial Force.

6. It shall be lawful for His Majesty to raise and maintain a force, to be called the "Territorial Force," consisting of such number of men as may from time to time be provided by Parliament.

Government, Discipline, and Pay.

Government, discipline, and pay of Territorial Force.

7.—(1) Subject to the provisions of this Part of this Act, it shall be lawful for His Majesty, by order signified under the hand of a Secretary of State, to make orders with respect to the government, discipline, and pay and allowances of the Territorial Force, and with respect to all other matters and things relating to the Territorial Force, including any matter by this Part of this Act authorised to be prescribed or expressed to be subject to orders or regulations.

(2) The said orders may provide for the formation of men of the Territorial Force into regiments, battalions, or other military bodies, and for the formation of such regiments, battalions, or other military bodies into corps, either alone or jointly with any other part of His Majesty's forces, and for appointing, transferring, or attaching men of the Territorial Force to corps, and for posting, attaching, or otherwise dealing with such men within the corps; and may provide for the constitution of a permanent staff, including adjutants and staff sergeants who shall, except in special circumstances certified by the general officer commanding, be members of His Majesty's regular forces; and may regulate the appointment, rank, duties, and numbers of the officers and non-commissioned officers of the Territorial Force.

(3) Subject to the provisions of any such order, the Army Council may make general or special regulations with respect to any matter with respect to which His Majesty may make orders under this section.

(4) Provided that the said orders or regulations shall not—

(*a*) affect or extend the term for which, or the area within which, a man of the Territorial Force is liable under this Part of this Act to serve; or

(*b*) authorise a man of the Territorial Force when belonging to one corps to be transferred without his consent to another corps ; or

(*c*) when the corps of a man of the Territorial Force includes more than one unit, authorise him when not embodied to be posted, without his consent, to any unit other than that to which he was posted on enlistment ; or

(*d*) when a corps of a man of the Territorial Force includes any battalion or other body of the regular forces, authorise him to be posted without his consent to that battalion or body.

(5) Where a man of the Territorial Force was enlisted or re-engaged before the date of any order or regulation under this Part of this Act, nothing in such order or regulation shall render him liable without his consent to be appointed, transferred, or attached to any military body to which he could not without his consent have been appointed, transferred, or attached if the said order or regulation had not been made.

(6) Orders and regulations under this section may provide for the formation of a reserve division of the Territorial Force, and may relax or dispense with any of the provisions of this Act relating to the training of the men of the Territorial Force so far as regards their application to men in the reserve division, and may, notwithstanding anything in this section, authorise a man in the reserve division to be transferred from one corps to another, so, however, that a man in the reserve division shall not, without his consent, be transferred to a corps of another arm.

(7) All orders and general regulations made under this section shall be laid before both Houses of Parliament as soon as may be after they are made.

First appointments to lowest rank of officers of the Territorial Force.

8. Subject to any directions which may be given by His Majesty, first appointments to the lowest rank of officer in any unit of the Territorial Force shall be given to persons recommended by the president of the association for the county, if a person approved by His Majesty is recommended by the president for any such appointment within thirty days after notice of a vacancy for the appointment has been given to the president in the prescribed manner, provided he fulfils all the prescribed conditions as to age, physical fitness, and educational qualifications ; and, where a unit comprises men of the Territorial Force of two or more counties, the recommendations for such appointments shall be made by the presidents of the associations for the respective counties in such rotation or otherwise as may be prescribed.

Enlistment, Service, Discharge.

Enlistment, term of service, and discharge.

9.—(1) Subject to the provisions of this Part of this Act, all men of the Territorial Force shall be enlisted by such persons

and in such manner and subject to such regulations as may be prescribed:

Provided that every man enlisted under this Part of this Act—

(*a*) Shall be enlisted for a county for which an association has been established under this Act and shall be appointed to serve in such corps for that county or for an area comprising the whole or part of that county as he may select, and, if that corps comprises more than one unit within the county, shall be posted to such one of those units as he may select:

(*b*) Shall be enlisted to serve for such a period as may be prescribed, not exceeding four years, reckoned from the date of his attestation:

(*c*) May be re-engaged within twelve months before the end of his current term of service for such a period as may be prescribed not exceeding four years from the end of that term, and on re-engagement shall make the prescribed declaration before a justice of the peace or an officer, and so from time to time.

(2) A man enlisted in the Territorial Force, until duly discharged in the prescribed manner, shall remain subject to this Part of this Act as a man of the Territorial Force.

(3) Any man of the Territorial Force shall, except when a proclamation ordering the Army Reserve to be called out on permanent service is in force, be entitled to be discharged before the end of his current term of service on complying with the following conditions:—

(i) Giving to his commanding officer three months' notice in writing, or such less notice as may be prescribed, of his desire to be discharged; and

(ii) Paying for the use of the association for the county for which he was enlisted such sum as may be prescribed not exceeding five pounds; and

(iii) Delivering up in good order, fair wear and tear only excepted, all arms, clothing, and appointments, being public property, issued to him, or, in cases where for any good and sufficient cause the delivery of the property aforesaid is impossible, on paying the value thereof:

Provided that it shall be lawful for the association for the county, or for any officer authorised by the association, in any case in which it appears that the reasons for which the discharge is claimed are of sufficient urgency or weight, to dispense either wholly or in part with all or any of the above conditions.

(4) A man of the Territorial Force may be discharged by his commanding officer for disobedience to orders by him while doing any military duty, or for neglect of duty, or for misconduct by him as a man of the Territorial Force, or for other

sufficient cause, the existence and sufficiency of such cause to be judged of by the commanding officer:

Provided that any man so discharged shall be entitled to appeal to the Army Council who may give such directions in any such case as they may think just and proper.

(5) Where the time at which a man of the Territorial Force would otherwise be entitled to be discharged occurs while a proclamation ordering the Army Reserve to be called out on permanent service is in force, he may be required to prolong his service for such further period, not exceeding twelve months, as the competent military authority may order.

Application of certain sections of the Army Act. 44 & 45 Vict. c. 58.

10.—(1) The following sections of the Army Act shall apply to the Territorial Force (that is to say):—

Section eighty (relating to the mode of enlistment and attestation);

Section ninety-six (relating to the claims of masters to apprentices);

Section ninety-eight (imposing a fine for unlawful recruiting);

Section ninety-nine (making recruits punishable for false answers);

So much of section one hundred as relates to the validity of attestation and enlistment or re-engagement;

Section one hundred and one (relating to the competent military authority); and

So much of section one hundred and sixty-three as relates to an attestation paper, or a copy thereof, or a declaration, being evidence.

And the said sections shall apply in like manner as if they were herein re-enacted, with the substitution—

(*a*) Of "Territorial Force" for "regular forces," and of "man of the Territorial Force" for "soldier"; and

(*b*) (In section one hundred) of "has not within three months "claimed his discharge on any ground on which he is "entitled under this subsection to do so" for "has "received pay as a soldier of the regular forces during "three months."

(2) A recruit may be attested by any lieutenant or deputy-lieutenant of any county in the United Kingdom, or by an officer of the regular or Territorial forces, and the sections of the Army Act in this section mentioned, and also section thirty-three of the same Act, shall as applied to the Territorial Force be construed as if a justice of the peace in those sections included such lieutenant, deputy lieutenant, or officer.

Enlistment of men discharged with disgrace from Army or Navy, or contrary to rules.

11.—(1) If a person—

(*a*) Having been discharged with disgrace from any part of His Majesty's forces, or having been dismissed with disgrace from the Navy, has afterwards enlisted in the Territorial Force without declaring the circumstances of his discharge or dismissal; or

(*b*) Is concerned when subject to military law in the enlistment for service in the Territorial Force of any man, when he knows or has reasonable cause to believe such man to be so circumstanced that by enlisting he commits an offence against the Army Act or this Act; or

(*c*) Wilfully contravenes when subject to military law any enactments, orders, or regulations which relate to the enlistment or attestation of men in the Territorial Force,

he shall be guilty of an offence, and shall, whether otherwise subject to military law or not, be liable to be tried by court martial, and on conviction to suffer such punishment as is imposed for the like offence by section thirty-two or thirty-four of the Army Act, as the case may be, and may be taken into military custody.

(2) For the purpose of this section the expression "discharged with disgrace" means discharged with ignominy, discharged as incorrigible and worthless, or discharged for misconduct, or discharged on account of a conviction for felony or a sentence of penal servitude.

Enlistment into army reserve.

12. If a man of the Territorial Force enlists into the army reserve without being discharged from the Territorial Force, the terms and conditions of his service whilst he remains in the army reserve shall be those applicable to him as a man belonging to the army reserve, and not those applicable to him as a man of the Territorial Force.

Area of service of Territorial Force.

13.—(1) Any part of the Territorial Force shall be liable to serve in any part of the United Kingdom, but no part of the Territorial Force shall be carried or ordered to go out of the United Kingdom.

(2) Provided that it shall be lawful for His Majesty, if he thinks fit, to accept the offer of any part or men of the Territorial Force, signified through their commanding officer, to subject themselves to the liability—

(*a*) to serve in any place outside the United Kingdom; or

(*b*) to be called out for actual military service for purposes of defence at such places in the United Kingdom as may be specified in their agreement, whether the Territorial Force is embodied or not;

and, upon any such offer being accepted, they shall be liable, whenever required during the period to which the offer extends, to serve or be called out accordingly.

(3) A person shall not be compelled to make such an offer, or be subjected to such liability as aforesaid, except by his own consent, and a commanding officer shall not certify any voluntary offer previously to his having explained to every person making the offer that the offer is to be purely voluntary on his part.

Training.

Preliminary training of recruits of Territorial Force.

14.—(1) Every man of the Territorial Force shall, by way of preliminary training, during the first year of his original enlistment—

(*a*) If so provided by Order in Council, be trained at such places within the United Kingdom, at such times, and for such periods, not exceeding in the whole the number of days specified by the Order in Council, as may be prescribed, and may for that purpose be called out once or oftener; and

(*b*) Whether such an Order in Council has been made or not, attend the number of drills and fulfil the other conditions prescribed for a recruit of his arm or branch of the service.

(2) The requirement to attend training and drills, and to fulfil conditions under this section, shall be in addition to the requirement to attend training and drills and to fulfil conditions for the purpose of annual training.

Annual training.

15.—(1) Subject to the provisions of this section, every man of the Territorial Force shall, by way of annual training—

(*a*) Be trained for not less than eight nor more than fifteen, or in the case of the mounted branch eighteen, days in every year at such times and at such places in any part of the United Kingdom as may be prescribed, and may for that purpose be called out once or oftener in every year:

(*b*) Attend the number of drills and fulfil the other conditions relating to training prescribed for his arm or branch of the service:

Provided that the requirements of this section may be dispensed with in whole or in part—

(i) as respects any unit, by the prescribed general officer; and

(ii) as respects an individual man, by his commanding officer subject to any general directions by the prescribed general officer.

(2) His Majesty in Council may—

(*a*) Order that the period of annual training in any year of all or any part of the Territorial Force be extended, but so that the whole period of annual training be not more than thirty days in any year; or

(*b*) Order that the period of annual training in any year of all or any part of the Territorial Force be reduced to such time as to His Majesty may seem fit; or

(*c*) Order that in any year the annual training of all or any part of the Territorial Force be dispensed with.

(3) Nothing in this section shall be construed as preventing a man, with his own consent, in addition to annual training,

being called up for the purpose of duty or instruction in accordance with orders and regulations under this Part of this Act.

Laying of draft Orders in Council relating to training before Parliament.

16. Before any Order in Council is made under this Act providing for preliminary training or extending the period of annual training the draft thereof shall be laid before each House of Parliament for a period of not less than forty days during the Session of Parliament, and, if either of those Houses before the expiration of those forty days presents an address to His Majesty against the draft or any part thereof, no further proceedings shall be taken, without prejudice to the making of a new draft Order.

Embodiment.

Embodiment of Territorial Force.

17.—(1) Immediately upon and by virtue of the issue of a proclamation ordering the Army Reserve to be called out on permanent service, it shall be lawful for His Majesty to order the Army Council from time to time to give, and when given to revoke or vary, such directions as may seem necessary or proper for embodying all or any part of the Territorial Force, and in particular to make such special arrangements as they think proper with regard to units or individuals whose services may be required in other than a military capacity:

Provided that, where under any such proclamation directions have been issued for calling out all the men belonging to the first class of the Army Reserve, the Army Council shall, within one month after such directions have been issued, issue directions for embodying all the men belonging to the Territorial Force, unless an address has been presented to His Majesty by both Houses of Parliament praying that such directions as last aforesaid be not issued, and such directions shall not, unless the emergency so requires, be given until Parliament has had an opportunity of presenting such an address.

(2) Whenever, in consequence of the calling out of the whole of the first class of the Army Reserve, directions are required under this section to be given for embodying the Territorial Force, if Parliament be then separated by such adjournment or prorogation as will not expire within ten days, a proclamation shall be issued for the meeting of Parliament within ten days, and Parliament shall accordingly meet and sit upon the day appointed by such proclamation, and shall continue to sit and act in like manner as if it had stood adjourned or prorogued to the same day.

(3) Every order and all directions given under this section shall be obeyed as if enacted in this Act, and, where such directions for the time being direct the embodiment of any part of the Territorial Force, every officer and man belonging to that part shall attend at the place and time fixed by those directions, and after that time shall be deemed to be embodied, and such officers and men are in this Act referred to as embodied or as the embodied part or parts of the Territorial Force.

Disembodying of Territorial Force.

18.—(1) It shall be lawful for His Majesty by proclamation to order that the Territorial Force be disembodied, and thereupon the Army Council shall give such directions as may seem necessary or proper for carrying the said proclamation into effect.

(2) Until any such proclamation of His Majesty has been issued the Army Council may from time to time, as they may think expedient for the public service, give such directions as may seem necessary or proper for disembodying any embodied part of the Territorial Force, and for embodying any part of the Territorial Force not embodied, whether previously disembodied or otherwise.

(3) After the date fixed by the directions for the disembodiment of any part of the Territorial Force, the officers and men belonging to that part shall be in the position of officers and men of the Territorial Force not embodied.

Notices.

Service and publication of notices.

19. Notices required in pursuance of this Part of this Act or of the orders and regulations in force thereunder to be given to men of the Territorial Force shall be served or published in such manner as may be prescribed, and, if so served or published, shall be deemed to be sufficient notice, and every constable and overseer shall, when so required by or on behalf of the Army Council, conform with the orders and regulations for the time being in force under this Part of this Act with respect to the publication and service of notices, and in default shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding twenty pounds.

Offences.

Punishment for failure to attend on embodiment.

20.—(1) Any man of the Territorial Force who without leave lawfully granted, or such sickness or other reasonable excuse as may be allowed in the prescribed manner, fails to appear at the time and place appointed for assembling on embodiment, shall be guilty, according to the circumstances, of deserting within the meaning of section twelve, or of absenting himself without leave within the meaning of section fifteen, of the Army Act, and shall, whether otherwise subject to military law or not, be liable to be tried by court-martial, and convicted and punished accordingly, and may be taken into military custody.

(2) Sections one hundred and fifty-three and one hundred and fifty-four of the Army Act shall apply with respect to deserters and desertion within the meaning of this section in like manner as they apply with respect to deserters and desertion within the meaning of those sections, and any person who, knowing any man of the Territorial Force to be a deserter within the meaning of this section or of the Army Act, employs

or continues to employ him, shall be deemed to aid him in concealing himself within the meaning of the first-mentioned section.

(3) Where a man of the Territorial Force commits the offence of desertion under this section the time which elapsed between the time of his committing the offence and the time of his apprehension or voluntary surrender shall not be taken into account in reckoning his service for the purpose of discharge.

Punishment for failure to fulfil training conditions.

21. Any man of the Territorial Force who without leave lawfully granted, or such sickness or other reasonable excuse as may be allowed in the prescribed manner, fails to appear at the time and place appointed for preliminary training, or for annual training, or fails to attend the number of drills and fulfil the other conditions relating to preliminary or annual training prescribed for his arm or branch of the service, shall be liable to forfeit to His Majesty a sum of money not exceeding five pounds recoverable on complaint to a court of summary jurisdiction by the prescribed officer, and any sums recovered by such officer shall be accounted for by him in the prescribed manner.

Wrongful sale, &c. of public property.

22. If any person designedly makes away with, sells, or pawns, or wrongfully destroys or damages, or negligently loses anything issued to him as an officer or man of the Territorial Force, or wrongfully refuses or neglects to deliver up on demand anything issued to him as an officer or man of the Territorial Force, the value thereof shall be recoverable from him on complaint to a court of summary jurisdiction by the county association; and he shall also, for any such offence of designedly making away with, selling or pawning, or wrongfully destroying as aforesaid, be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding five pounds.

Civil Rights and Exemptions.

Civil rights and exemptions.

23.—(1) The acceptance of a commission as an officer of the Territorial Force shall not vacate the seat of any member returned to serve in Parliament.

(2) An officer or man of the Territorial Force shall not be liable to any penalty or punishment for or on account of his absence during the time he is voting at any election of a member to serve in Parliament, or during the time he is going to or returning from such voting.

(3) If a sheriff is an officer of the Territorial Force, then during embodiment he shall be discharged from personally performing the office of sheriff, and the under sheriff shall be answerable for the execution of the said office in the name of the high sheriff; and the security given by the under sheriff and his pledges to the high sheriff shall stand as a security to the King and to all persons whomsoever for the due performance of the office of sheriff during such time.

(4) An officer or man of the Territorial Force shall not be compelled to serve as a peace officer or parish officer, and shall be exempt from serving on any jury, and a field officer of the Territorial Army shall not be required to serve in the office of high sheriff.

Legal Proceedings.

Trial of offences and application of penalties.

24.—(1) Any offence under this Part of this Act, and any offence under the Army Act if committed by a man of the Territorial Force when not embodied, which is cognizable by a court-martial shall also be cognizable by a court of summary jurisdiction, and on conviction by such a court shall be punishable with imprisonment for a term not exceeding three months or with a fine not exceeding twenty pounds, or with both such imprisonment and fine, but nothing in this provision shall affect the liability of a person charged with any such offence to be taken into military custody.

(2) Any offence which under this Part of this Act is punishable on conviction by court-martial, shall for all purposes of and incidental to the arrest, trial, and punishment of the offender, including the summary dealing with the case by his commanding officer, be deemed to be an offence under the Army Act, with this modification, that any reference in that Act to forfeiture and stoppages shall be construed to refer to such forfeitures and stoppages as may be prescribed.

(3) Any offence which under this Part of this Act is punishable on conviction by a court of summary jurisdiction may be prosecuted, and any fine recoverable on such conviction may be recovered, in manner provided by sections one hundred and sixty-six, one hundred and sixty-seven, and one hundred and sixty-eight of the Army Act, in like manner as if those sections were herein re-enacted and in terms made applicable to this Part of this Act, subject to the following modification (namely)—

Every fine imposed under this Part of this Act on a man of the Territorial Force, or recovered on a prosecution instituted under this Part of this Act, shall, notwithstanding anything in any Act or charter or in the said sections to the contrary, be paid to the association of the county for which the man was enlisted.

(4) Where a man of the Territorial Force is subject to military law and is illegally absent from his duty, a court of inquiry under section seventy-two of the Army Act may be assembled after the expiration of twenty-one days from the date of such absence, notwithstanding that the period during which he was subject to military law is less than twenty-one days or has expired before the expiration of twenty-one days.

Supplemental provisions as to trial of offences.

25.—(1) A person charged with an offence which under this Part of this Act is cognizable both by a court-martial and by a court of summary jurisdiction shall not be liable to be

tried both by a court-martial and by a court of summary jurisdiction, but may be tried by either of them, as may be prescribed:

Provided that a man who has been dealt with summarily by his commanding officer shall be deemed to have been tried by court-martial.

(2) Proceedings against an offender before either a court-martial or his commanding officer, or a court of summary jurisdiction, in respect of an offence punishable under this Part of this Act, and alleged to have been committed by him when a man of the Territorial Force, may be instituted whether the term of his service in the Territorial Force has or has not expired, and may, notwithstanding anything in any other Act, be instituted at any time within two months after the time at which the offence becomes known to his commanding officer if the alleged offender is then apprehended, or, if he is not then apprehended, then within two months after the time at which he is apprehended.

(3) Where an offender has on several occasions been guilty of desertion, fraudulent enlistment, or making a false answer, he may for the purposes of any proceedings against him be deemed to belong to any one or more of the corps to which he has been appointed or transferred as well as to the corps to which he properly belongs, and it shall be lawful to charge the offender with any number of the above-mentioned offences at the same time, whether they are offences within the meaning of the Army Act or offences within the meaning of this Part of this Act, and to give evidence of such offences against him, and, if he has been convicted of more than one offence, to punish him accordingly as if he had been previously convicted of any such offence.

Evidence.

26.—(1) Section one hundred and sixty-four of the Army Act (which relates to evidence of the civil conviction or acquittal of a person subject to military law) shall apply to a man of the Territorial Force who is tried by a civil court, whether he is or is not at the time of such trial subject to military law.

(2) Section one hundred and sixty-three of the Army Act (relating to evidence) shall apply to all proceedings under this Part of this Act.

Miscellaneous.

Exercise of powers vested in holder of military office.

27.—(1) Any power or jurisdiction given to, and act or thing to be done by, to, or before any person holding any military office may, in relation to the Territorial Force, be exercised by or done by, to, or before any other person for the time being authorised in that behalf, according to the custom of the Service.

(2) Where by this Part of this Act, or by any order or regulation in force under this Part of this Act, any order is authorised to be made by any military authority, such order

may be signified by an order, instruction, or letter under the hand of any officer authorised to issue orders on behalf of such military authority, and an order, instruction, or letter purporting to be signed by any officer appearing therein to be so authorised shall be evidence of his being so authorised.

Application of enactments.

28.—(1) The Army Act shall apply to the Territorial Force and officers and men thereof in like manner as it applies to the Militia, and officers and men of the Militia, except that men of the Territorial Force shall, in addition, be subject to military law when called out on actual military service for purposes of defence, and shall be liable to dismissal as a punishment, and for that purpose the amendments contained in the First Schedule to this Act shall be made in the Army Act.

(2) For the purpose of section one hundred and forty-three of the Army Act and of all other enactments relating to such duties, tolls, and ferries as are in that section mentioned, officers and men belonging to the Territorial Force, when going to or returning from any place at which they are required to attend, and for non-attendance at which they are liable to be punished, shall be deemed to be officers and soldiers of the regular forces on duty.

(3) His Majesty may by Order in Council apply, with the necessary adaptations, to the Territorial Force or the officers or men belonging to that force any enactment relating to the Militia, Yeomanry, or Volunteers, or officers or men of the Militia, Yeomanry, or Volunteers, other than enactments with respect to the raising, service, pay, discipline, or government of the Militia, Yeomanry, or Volunteers, and every such order in council shall be laid before both Houses of Parliament.

Transitory.

Transitory provisions.

29.—(1) Where an association has been established under this Act for any county His Majesty may by Order in Council transfer to the Territorial Force such units of the Yeomanry and Volunteers or part thereof raised in the county as may be specified in the Order, and every such unit or part thereof shall from the date mentioned in the Order be deemed to have been lawfully formed under this Part of this Act as an unit of the Territorial Force as provided by the Order, and the provisions of this Part of this Act shall apply to it accordingly.

(2) Every officer and man of an unit or part thereof mentioned in any such Order shall, from the date mentioned in that Order, be deemed to be an officer or man of the Territorial Force. Provided that nothing in this section or in any Order made thereunder shall, without his consent, affect the conditions or area of service of any person commissioned, enlisted, or enrolled before the passing of this Act.

(3) An Order in Council under this section may provide—

(*a*) For the application to officers and men who become subject thereto of the provisions of this Act as

to conditions and area of service, and for the continuance of the application to officers and men who remain subject thereto of the provisions as to conditions and area of service previously in force as respects those officers and men:

(*b*) For transferring to the association any property vested in a Secretary of State for the purposes of any unit to which the Order relates:

(*c*) For transferring to the association any property belonging to or held for the benefit of any such unit, so, however, that all property so transferred shall, as from the date of the transfer, be held by the association for the benefit in like manner of the corresponding unit of the Territorial Force or for such other purposes as the association, with the consent of such corresponding unit, to be ascertained in the prescribed manner, shall direct; and any question which may arise as to whether any property is transferred to an association, or as to the trusts or purposes upon or for which it is or ought to be held, shall be referred for the decision of a Secretary of State whose decision shall be final. The corresponding unit of the territorial force shall, in the event of any such transfer, become entitled, notwithstanding the terms of any trust, limitation, or condition affecting the property so transferred to the estate or interest in such property of the unit to the property of which the order relates; but, subject to this provision, the interest of any beneficiary other than such unit shall not, without the consent of such beneficiary, be affected. The order may, if it be deemed proper, having regard to the special circumstances of any case, provide for the appointment of special trustees to act together with or to the exclusion of the association in regard to any such property and such special trustees may be the existing trustees of such property:

(*d*) For transferring to the association any liabilities of any such unit which the association is willing to assume, and providing for the discharge of any such liabilities which are not so transferred:

(*e*) For transferring to the association any land or interest in land acquired by the council of a county or borough on behalf of any volunteer corps to which the order relates, and any outstanding liabilities of the council incurred in respect thereof, if the council and the association consent:

and may contain such supplemental, consequential, and incidental provisions as may appear necessary or proper for the purposes of the Order.

(4) Every Order in Council made under this section shall be laid before both Houses of Parliament.

Part III.

Reserve Forces.

Enlistment and terms of service of special reservists. 45 & 46 Vict. c. 48.

30.—(1) The power of enlisting men into the first class of the army reserve under the Reserve Forces Act, 1882, shall extend to the enlistment of men who have not served in His Majesty's regular forces, and men so enlisted who have not served in the regular forces are in this Part of this Act referred to as special reservists, and a special reservist may be re-engaged, and when re-engaged shall continue subject to the terms of service applicable to special reservists.

(2) A special reservist may, in addition to being called out for annual training, be called out for a special course or special courses of training at such place or places within the United Kingdom at such time or times and for such period or periods, not exceeding in the whole six months, as may be prescribed, in like manner and subject to the like conditions as he may be called out for annual training, and may during any such course be attached to or trained with any body of His Majesty's forces.

(3) Notwithstanding the provisions of section eleven of the Reserve Forces Act, 1882, any special reservists may be called out for annual training for such period or periods as may be prescribed by any order or regulations under the Reserve Forces Act, 1882.

(4) Provided that where one of the conditions on which a man was enlisted or re-engaged is that he shall not be called out for training, whether special or annual, for a longer period than the period specified in his attestation paper, he shall not be liable under this section to be called out for any longer period.

(5) Where a proclamation ordering the army reserve to be called out on permanent service has been issued, it shall be lawful for His Majesty at any time thereafter by proclamation to order that all special reservists shall cease to be so called out, and thereupon a Secretary of State shall give such directions as may seem necessary or proper for carrying the said proclamation into effect.

(6) A special reservist who enlists into the regular forces shall upon such enlistment be deemed to be discharged from the army reserve.

Agreements as to extension of service.

31. A Secretary of State may, by regulations under the Reserve Forces Act, 1882, authorise any special reservist having the qualifications prescribed by those regulations to agree in writing that, if the time when he would otherwise be entitled to be discharged occurs whilst he is called out on permanent service, he will continue to serve until the expiration of a period, whether definite or indefinite, specified in the agreement, and,

if any man who enters into such an agreement is so called out, he shall be liable to be detained in service for the period specified in his agreement in the same manner in all respects as if his term of service were still unexpired.

Liability of reservists to be called out.

32.—(1) A special reservist shall, if he so agrees in writing, be liable during the whole of his service in the army reserve, or during such part of that service as he so agrees, to be called out on permanent service without such proclamation or communication to Parliament as is mentioned in section twelve of the Reserve Forces Act, 1882, and the calling out of men under this section shall not involve the meeting of Parliament as required by section thirteen of that Act:

Provided that—

(*a*) The number of men so liable shall not at any one time exceed four thousand:

(*b*) The power of calling out of men under this section shall not be exercised except when they are required for service outside the United Kingdom when warlike operations are in preparation or in progress:

(*c*) Any agreement under this section may provide for the revocation thereof by such notice in writing as may be therein stated:

(*d*) Any exercise of the power of calling out men under this section shall be reported to Parliament as soon as may be:

(*e*) The number of men for the time being called out under this section shall not be reckoned in the number of the forces authorised by the Annual Army Act for the time being in force.

(2) Six thousand shall be substituted for five thousand as the maximum number of men liable to be called out under section one of the Reserve Forces and Militia Act, 1898, and the liability to be called out under that section may, if so agreed, extend to the first two years of a man's service in the first class of the army reserve.

61 & 62 Vict. c. 9.

(3) In paragraph (5) of section one hundred and seventy-six of the Army Act the words "under His Majesty's proclamation" shall be repealed.

Power to form battalions, &c. of reservists.

33. Orders and regulations under the Reserve Forces Act, 1882, may provide for the formation of special reservists into regiments, battalions, or other military bodies, and for the formation of such regiments, battalions, or other military bodies into corps, either alone or jointly with any other part of His Majesty's forces, and for appointing, transferring, or attaching special reservists to such corps, and for posting, attaching, or otherwise dealing with special reservists within such corps.

Transfer of Militia battalions to reserve.

34.—(1) His Majesty may by Order in Council transfer to the Army Reserve such battalions of the Militia as may be specified in the order, and every battalion so transferred shall

from the date mentioned in the order be deemed to have been lawfully formed under this Part of this Act as a battalion of special reservists.

(2) As from the said date every officer of any battalion so transferred shall be deemed to be an officer in the reserve of officers, and every man in such battalion shall be deemed to be a special reservist, and the order may contain such provisions as may seem necessary for applying the provisions of the Reserve Forces Acts, 1882 to 1906, as amended by this Act, to those officers and men:

Provided that, unless any officer or man in any battalion so transferred indicates his assent to such transfer certified by his commanding officer, nothing in the order shall affect his existing conditions of service.

(3) All Orders in Council made under this section shall be laid before both Houses of Parliament.

Amendment of 45 & 46 Vict. c. 48. s. 6 (4).

35. Subsection (4) of section six of the Reserve Forces Act, 1882, which makes a certificate purporting to be signed by an officer appointed to pay men belonging to the army reserve evidence in certain cases, shall, where a person other than an officer is appointed to pay men belonging to the army reserve, apply to certificates purporting to be signed by such person.

Commissions reserve of officers not to vacate seat in Parliament.

36. The acceptance of a commission as an officer in the reserve of officers shall not vacate the seat of any member returned to serve in Parliament.

Part IV.

Supplemental.

Provisions as to orders, schemes, and regulations.

37.—(1) Every Order in Council or scheme required by this Act to be laid before each House of Parliament shall be so laid within forty days next after it is made, if Parliament is then sitting, or, if not, within forty days after the commencement of the then next ensuing session; and, if an address is presented to His Majesty by either House of Parliament within the next subsequent forty days, praying that any such order or scheme may be annulled, His Majesty may thereupon by Order in Council annul the same, and the order or scheme so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same.

(2) All Orders in Council, orders, schemes, and regulations made under this Act may be varied or revoked by subsequent Orders in Council, orders, schemes, and regulations made in the like manner and subject to the like conditions.

Definitions.

38. In this Act, unless the context otherwise requires,—

The expression "county" means a county or riding of a county for which a lieutenant is appointed, and includes the City of London; and each county of a city or county

of a town mentioned in the first column of the Second Schedule to this Act shall be deemed to form part of the county set opposite thereto in the second column of that schedule;

The expression "man of the Territorial Force" includes a non-commissioned officer;

The expression "prescribed" means prescribed by orders or regulations;

Other expressions have the same meaning as in the Army Act.

Special provisions as to special places.

39.—(1) The Lord Warden of the Cinque Ports may ex-officio be a member of the association of the county of Kent or of the county of Sussex, or of both, as may be provided by schemes under this Act.

(2) The Warden of the Stannaries may ex-officio be a member of the association of the county of Cornwall or of the county of Devon, or of both, as may be provided by schemes under this Act.

(3) The Lord Mayor of the City of London shall ex-officio be president of the association of the City of London.

(4) The Governor or Deputy Governor of the Isle of Wight shall ex-officio be a member of the association of the county of Southampton.

(5) Nothing in this Act shall affect the raising and levying of the Trophy Tax as heretofore in the City of London, but the proceeds of the Tax so levied may be applied by His Majesty's Commissioners of Lieutenancy for the City of London, if the Royal London Militia Battalion is re-constituted as a battalion of the Army Reserve, for any purposes connected with that battalion, and may also, if His Majesty's Commissioners of Lieutenancy for the City of London in their discretion see fit, be applied for the purposes of any of the powers and duties of the association of the City of London under this Act.

Application to Scotland and the Isle of Man.

40.—(1) In the application of this Act to Scotland the following modifications shall be made:—

(*a*) This Act shall apply to a county of a city in like manner as to any other county: Provided that on the representation or with the consent of the corporation of any county of a city it shall be lawful for His Majesty, by order signified under the hand of a Secretary of State, at any time after the passing of this Act, to declare that such county of a city shall for the purposes of this Act be deemed to form part of the county set opposite thereto in the second column of the Third Schedule to this Act, and to provide for all matters which may appear necessary or proper for giving full effect to the order;

(*b*) The expression "county borough council" means the town council of a royal, parliamentary, or police burgh with a population of or exceeding twenty thousand according to the census for the time being last taken;

(*c*) The expression "land" includes heritages;

(*d*) The expression "overseer" means an inspector of poor.

(2) This Act shall apply to the Isle of Man as if it formed part of, and were included in the expression, the United Kingdom, subject to the following modifications:—

(*a*) The Isle of Man shall be deemed to be a separate county;

(*b*) References to the Governor of the Island shall be substituted for references to the lieutenant of a county;

(*c*) References to a High Bailiff or two justices of the peace and to conviction by such a Bailiff or justices shall be substituted for references to a court of summary jurisdiction and to conviction under the Summary Jurisdiction Acts;

(*d*) References to the Tynwald Court shall be substituted for references to Parliament in the section of this Act relating to civil rights and exemptions.

Short title.

41. This Act may be cited as the Territorial and Reserve Forces Act, 1907, and so far as it relates to the reserve forces may be cited with the Reserve Forces Acts, 1882 to 1906, as the Reserve Forces Acts, 1882 to 1907.

SCHEDULES.

FIRST SCHEDULE.

Section 28.

AMENDMENT OF ARMY ACT.

Section.	Amendment.
S. 13 (1) (*a*) and (*b*) -	After the word "Militia" there shall be inserted the words "or Territorial Force."
S. 115 (7) - -	After the word "whenever" there shall be inserted the words "a proclamation ordering the Army Reserve to be called out on permanent service or"
S. 115 (8) - -	After the words "then if" there shall be inserted the words "a proclamation ordering the Army Reserve to be called out on permanent service or"
S. 175 - - -	After paragraph (3) there shall be inserted the following paragraph:— "(3A) Officers of the Territorial Force other than members of the permanent staff."
S. 176 - - -	After paragraph (6) there shall be inserted the following paragraph:— "(6A) All non-commissioned officers and men belonging to the Territorial Force— "(*a*) When they are being trained or exercised, either alone or with any portion of the regular forces or otherwise; and "(*b*) When attached to or otherwise acting as part of or with any regular forces; and "(*c*) When embodied; and "(*d*) When called out for actual military service for purposes of defence in pursuance of any agreement."

Section.	Amendment.
S. 181 (4) - -	The words "the unit of the Territorial Force," shall be inserted after the words "officer commanding," where those words first occur, and the words "an unit of the Territorial Force," shall be inserted after those words where they secondly occur, and the words "Territorial Force," shall be inserted after the words "an officer, non-commissioned officer, or man of the."
S. 181 (4) (*a*) - -	After the word "any" there shall be inserted the words "man of the Territorial Force or"
S. 181 (4) (*b*) and (*c*) -	The word "Militia" shall be repealed in both places where that word occurs, and the words "of the Territorial Force or Militia" shall be inserted after the word "man" in both places where that word occurs.
S. 181 (6) - - -	After the word "Volunteers" there shall be inserted the words "or the Territorial Force."
S. 190 (12) - -	After the word "means" there shall be inserted the words "the Territorial Force."

Section 38.

SECOND SCHEDULE.

Names of Cities and Towns.	County.
ENGLAND.	
County of the city of Chester - - - -	Chester.
County of the city of Exeter - - -	Devon.
County of the town of Poole - - - -	Dorset.
County of the city of Gloucester - - -	Gloucester.
County of the city of Bristol - - - -	Gloucester.
County of the city of Canterbury - - -	Kent.
County of the city of Lincoln - - - -	Lincoln.
County of the city of Norwich - - -	Norfolk.
County of the town of Newcastle-upon-Tyne - -	Northumberland.
Borough and town of Berwick-upon-Tweed -	Northumberland.
County of the town of Nottingham - - -	Nottingham.
County of the town of Southampton - -	Southampton.
County of the city of Lichfield - - -	Stafford.
County of the city of Worcester - - -	Worcester.
County of the city of York - - - -	West Riding of York.
County of the town of Kingston-upon-Hull -	East Riding of York.
County of the town of Carmarthen - - -	Carmarthen.
County of the town of Haverfordwest - -	Pembroke.
IRELAND.	
County of the city of Waterford - - -	Waterford.
County of the town of Londonderry - -	Londonderry.

THIRD SCHEDULE.

Section 40.

SCOTLAND.

Name of County of City.	County.
County of the city of Edinburgh	Edinburgh.
County of the city of Glasgow	Lanark.
County of the city of Dundee	Forfar.
County of the city of Aberdeen	Aberdeen.

CHAPTER 10.

An Act to repeal section fifty-seven of the Factory and Workshop Act, 1901, and part of section seven of the Coal Mines Regulation Act, 1887, relating to the Employment of Women and Children.

[9th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Repeal of certain provisions as to employment of women.

1. Section fifty-seven of the Factory and Workshop Act, 1901 (which relates to the employment of women in flax scutch mills), and in paragraph (5) of section seven of the Coal Mines Regulation Act, 1887 (which relates to the employment of women and children above ground), the words "of not less "than eight hours between the termination of employment "on Friday and the commencement of employment on the "following Saturday and in other cases" are hereby repealed.

Short title.

2. This Act may be cited as the Employment of Women Act, 1907.

CHAPTER 11.

An Act to make further provision with respect to the sums to be paid by Canada to the several Provinces of the Dominion. [9th August 1907.]

WHEREAS an address has been presented to His Majesty by the Senate and Commons of Canada in the terms set forth in the schedule to this Act:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows:

Payments to be made by Canada to provinces.

1.—(1) The following grants shall be made yearly by Canada to every province, which at the commencement of this Act is a province of the Dominion, for its local purposes and the support of its Government and Legislature:—

(*a*) A fixed grant—

where the population of the province is under one hundred and fifty thousand, of one hundred thousand dollars;

where the population of the province is one hundred and fifty thousand, but does not exceed two hundred thousand, of one hundred and fifty thousand dollars;

where the population of the province is two hundred thousand, but does not exceed four hundred thousand, of one hundred and eighty thousand dollars;

where the population of the province is four hundred thousand, but does not exceed eight hundred thousand, of one hundred and ninety thousand dollars;

where the population of the province is eight hundred thousand, but does not exceed one million five hundred thousand, of two hundred and twenty thousand dollars;

where the population of the province exceeds one million five hundred thousand, of two hundred and forty thousand dollars; and

(*b*) Subject to the special provisions of this Act as to the provinces of British Columbia and Prince Edward Island, a grant at the rate of eighty cents per head of the population of the province up to the number of two million five hundred thousand, and at the rate of sixty cents per head of so much of the population as exceeds that number.

(2) An additional grant of one hundred thousand dollars shall be made yearly to the province of British Columbia for a period of ten years from the commencement of this Act.

(3) The population of a province shall be ascertained from time to time in the case of the provinces of Manitoba, Saskatchewan, and Alberta respectively by the last quinquennial census or statutory estimate of population made under the Acts establishing those provinces or any other Act of the Parliament of Canada making provision for the purpose, and in the case of any other province by the last decennial census for the time being.

(4) The grants payable under this Act shall be paid half-yearly in advance to each province.

(5) The grants payable under this Act shall be substituted for the grants or subsidies (in this Act referred to as existing grants) payable for the like purposes at the commencement of

this Act to the several provinces of the Dominion under the provisions of section one hundred and eighteen of the British North America Act, 1867, or of any Order in Council establishing a province, or of any Act of the Parliament of Canada containing directions for the payment of any such grant or subsidy, and those provisions shall cease to have effect. 30 & 31 Vict. c. 3.

(6) The Government of Canada shall have the same power of deducting sums charged against a province on account of the interest on public debt in the case of the grant payable under this Act to the province as they have in the case of the existing grant.

(7) Nothing in this Act shall affect the obligation of the Government of Canada to pay to any province any grant which is payable to that province, other than the existing grant for which the grant under this Act is substituted.

(8) In the case of the provinces of British Columbia and Prince Edward Island, the amount paid on account of the grant payable per head of the population to the provinces under this Act shall not at any time be less than the amount of the corresponding grant payable at the commencement of this Act; and if it is found on any decennial census that the population of the province has decreased since the last decennial census, the amount paid on account of the grant shall not be decreased below the amount then payable, notwithstanding the decrease of the population.

2. This Act may be cited as the British North America Act, 1907, and shall take effect as from the first day of July nineteen hundred and seven. Short title and interpretation.

SCHEDULE.

TO THE KING'S MOST EXCELLENT MAJESTY.

Most Gracious Sovereign,

We, Your Majesty's most dutiful and loyal subjects, the Senate and Commons of Canada, in Parliament assembled, humbly approach Your Majesty for the purpose of representing that it is expedient to amend the scale of payments authorised under section 118 of the Acts of the Parliament of the United Kingdom of Great Britain and Ireland, commonly called the British North America Act, 1867, or by or under any terms or conditions upon which any other provinces were admitted to the Union, to be made by Canada to the several provinces of the Dominion for the support of their Governments and Legislatures by providing that—

A. Instead of the amounts now payable, the sums hereafter payable yearly by Canada to the several provinces for the support of their Governments and Legislatures be according to population, and as follows:—

(*a*) Where the population of the province is under 150,000, $100,000;

(*b*) Where the population of the province is 150,000, but does not exceed 200,000, $150,000;

(*c*) Where the population of the province is 200,000, but does not exceed 400,000, $180,000;

(*d*) Where the population of the province is 400,000, but does not exceed 800,000, $190,000;

(*e*) Where the population of the province is 800,000, but does not exceed 1,500,000, $220,000;

(*f*) Where the population of the province exceeds 1,500,000, $240,000.

B. Instead of an annual grant per head of population now allowed, the annual payment hereafter be at the same rate of eighty cents per head, but on the population of each province, as ascertained from time to time by the last decennial census, or in the case of the provinces of Manitoba, Saskatchewan, and Alberta respectively, by the last quinquennial census or statutory estimate, until such population exceeds 2,500,000, and at the rate of sixty cents per head for so much of said population as may exceed 2,500,000.

C. An additional allowance to the extent of one hundred thousand dollars annually be paid for ten years to the province of British Columbia.

D. Nothing herein contained shall in any way supersede or affect the terms special to any particular province upon which such province became part of the Dominion of Canada, or the right of any province to the payment of any special grant heretofore made by the Parliament of Canada to any province for any special purpose in such grant expressed.

WE pray that Your Majesty may be graciously pleased to cause a measure to be laid before the Imperial Parliament at its present Session repealing the provisions of section 118 of the British North America Act, 1867, aforesaid, and substituting therefor the scale of payments above set forth, which shall be a final and unalterable settlement of the amounts to be paid yearly to the several provinces of the Dominion for their local purposes, and the support of their Governments and Legislatures.

Such grants shall be paid half-yearly in advance to each province, but the Government of Canada shall deduct from such grants as against any province all sums chargeable as interest on the public debt of that province in excess of the several amounts stipulated in the said Act.

All of which we humbly pray Your Majesty to take into your favourable and gracious consideration.

(Signed) R. DANDURAND,
Speaker of the Senate.

(Signed) R. F. SUTHERLAND,
Speaker of the House of Commons.

Senate and House of Commons,
Ottawa, Canada,
26th April 1907.

CHAPTER 12.

An Act to amend the Matrimonial Causes Acts, 1857 and 1866, by extending the powers of the Court in relation to Maintenance and Alimony, and leave to intervene.

[9th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to grant maintenance and alimony.

1.—(1) The court may, if it thinks fit, on any decree for dissolution or nullity of marriage, order that the husband shall, to the satisfaction of the court, secure to the wife such gross sum of money or such annual sum of money for any term not exceeding her life as, having regard to her fortune (if any), to the ability of the husband, and to the conduct of the parties, it may deem reasonable, and for that purpose may refer the matter to any one of the conveyancing counsel of the court to settle and approve of a proper deed or instrument to be executed by all necessary parties, and the court may, if it thinks fit, suspend the pronouncing of its decree until such deed shall have been duly executed.

(2) In any such case the court may, if it thinks fit, make an order on the husband for payment to the wife during their joint lives of such monthly or weekly sum for her maintenance and support as the court may think reasonable, and any such order may be made either in addition to or instead of an order under the last preceding subsection:

Provided that—

(*a*) If the husband afterwards from any cause becomes unable to make such payments it shall be lawful for the court to discharge or modify the order or temporarily to suspend the same as to the whole or any part of the money so ordered to be paid, and again to revive the order wholly or in part as the court may think fit; and

(*b*) Where the court has made any such order as is mentioned in this subsection and the court is satisfied that the means of the husband have increased, the court may, if it thinks fit, increase the amount payable under the order.

(3) Upon any petition for dissolution or nullity of marriage the court shall have the same power to make interim orders for payment of money, by way of alimony or otherwise, to the wife as it has in a suit instituted for judicial separation.

Repeal of section 32 of 20 & 21 Vict. c. 85 and section 1 of 29 & 30 Vict. c. 32.

2. Section thirty-two of the Matrimonial Causes Act, 1857, and section one of the Matrimonial Causes Act, 1866, are hereby repealed.

Power to allow intervention on terms.

3. In every case, not already provided for by law, in which any person is charged with adultery with any party to a suit, or in which the court may consider, in the interest of any person not already a party to the suit, that such person should be made a party to the suit, the court may, if it thinks fit, allow that person to intervene upon such terms (if any) as the court may think just.

Short title.

4. This Act may be cited as the Matrimonial Causes Act, 1907, and may be cited with the Matrimonial Causes Acts, 1857 to 1878.

CHAPTER 13.

An Act to grant certain duties of Customs and Inland Revenue, to alter other duties, and to amend the Law relating to Customs and Inland Revenue and the National Debt, and to make other provisions for the financial arrangements of the year. [9th August 1907.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

CUSTOMS AND EXCISE.

Duty on tea. 6 Edw. 7. c. 8.

1. The duty of customs payable on tea until the fourteenth day of May nineteen hundred and seven, under the Finance Act, 1906, shall be deemed to have been continued as from that date and shall continue to be charged, levied, and paid until the first day of July nineteen hundred and eight on the importation thereof into Great Britain or Ireland (that is to say):—

Tea, the pound - - - fivepence.

Continuance of additional customs duties and drawbacks on tobacco, beer, and spirits. 63 & 64 Vict. c. 7.

2. The additional duties of customs on tobacco, beer, and spirits imposed by sections two, three, four, and five of the Finance Act, 1900 (including the increased duties imposed by section five of that Act), shall continue to be charged, levied, and paid, and the additional drawback allowed under the said section four shall continue to be allowed, until Parliament otherwise determine, and

those duties and that drawback shall be deemed to have been continued as from the first day of July nineteen hundred and seven.

Continuance of additional excise duties and drawbacks on beer and spirits.

3. The additional duties of excise on beer and spirits imposed by sections six and seven of the Finance Act, 1900, shall continue to be charged, levied, and paid, and the additional drawback allowed under the said section six shall continue to be allowed, until Parliament otherwise determine, and those duties and that drawback shall be deemed to have been continued as from the first day of July nineteen hundred and seven.

Means of ascertaining strength or weight of spirits.

4.—(1) The Commissioners of Customs and the Commissioners of Inland Revenue may jointly make regulations authorising the use of any means described in the regulations for ascertaining for any purpose the strength or weight of spirits.

(2) Where under any enactment Sykes's hydrometer is directed to be used or may be used for the purpose of ascertaining the strength or weight of spirits, any means so authorised by regulations may be used instead of Sykes's hydrometer, and references to Sykes's hydrometer in any enactment shall be construed accordingly.

(3) Any regulations made under this section shall be published in the London, Edinburgh, and Dublin Gazette, and shall take effect from the date of publication, or such later date as may be mentioned in the regulations for the purpose.

(4) The expression "spirits" in this section has the same meaning as in the Spirits Act, 1880. 43 & 44 Vict. c. 24.

Amendment of the Revenue Act, 1883, as to imported plate. 46 & 47 Vict. c. 55.

5. Notwithstanding anything to the contrary in section ten of the Revenue Act, 1883, and subject to the conditions there set forth, gold and silver plate imported into Great Britain or Ireland may be delivered into the hands of the officers of any assay office selected by the importer though it be not the assay office nearest to the port of importation, and may, upon security being given to the satisfaction of the Commissioners of Customs, be removed to the assay office without being in charge of an officer of customs.

Part II.

Stamps.

Extension of exemption from stamp duty in case of certain affidavits and declarations. 54 & 55 Vict. c. 39.

6. The limitation of the exemption numbered (2) under the heading "Affidavit and Statutory Declaration" in the First Schedule to the Stamp Act, 1891, to affidavits or declarations made before a justice of the peace shall cease to have effect.

Stamping of hire-purchase agreement.

7. Any agreement for or relating to the supply of goods on hire, whereby the goods in consideration of periodical payments will or may become the property of the person to whom they are supplied, shall be charged with stamp duty as an agreement, or, if under seal (or in Scotland with a clause of registration), as

a deed, as the case requires, and the exemption numbered (3) under the heading "Agreement or any Memorandum of an Agreement," in the First Schedule to the Stamp Act, 1891 (which exempts agreements for the sale of goods), shall not apply in the case of any such instrument.

Provisions as to policies of insurance.

8.—(1) It is hereby declared, for the removal of doubts, that "a policy of insurance for any payment agreed to be made "by way of indemnity against loss or damage of or to any "property" within the meaning of the Stamp Act, 1891, includes any notice or advertisement in a newspaper or other publication which purports to insure such payment.

(2) The provisions of section one hundred and sixteen of the said Act (which relates to composition for stamp duty on policies of insurance against accident) shall apply to policies of insurance for any payment agreed to be made by way of indemnity against loss or damage of or to any property as they apply to policies of insurance against accident.

62 & 63 Vict. c. 9.

(3) Section eleven of the Finance Act, 1899 (which relates to policies of insurance in respect of injury to workmen), shall be read as if two pounds were substituted for one pound as the amount of the annual premium therein mentioned.

Proxies executed abroad.

9. So much of subsection (2) of section eighty of the Stamp Act, 1891, as prevents the stamping after execution of a letter or power of attorney or voting paper charged with the duty of one penny shall cease to apply as regards any such instrument which has been first executed at any place out of the United Kingdom, and accordingly any such instrument so executed after the commencement of this Act may be stamped after execution in accordance with section fifteen of the said Act.

Reduction of duty on loan capital issued for the purpose of the conversion or consolidation of existing capital.

62 & 63 Vict. c. 9.

10.—(1) Where it is shown to the satisfaction of the Commissioners that the loan capital issued by any local authority, corporation, company, or body of persons, in respect of which a statement has, after the commencement of this Act, been delivered to the Commissioners under section eight of the Finance Act, 1899, has been wholly or partly applied for the purpose of the conversion or consolidation of then existing loan capital, that authority, corporation, company, or body of persons, as the case may be, shall be entitled to repayment in respect of the duty charged on the statement so delivered at the rate of two shillings for every hundred pounds of the capital to which the statement relates which is so shown to have been applied for the purpose of the conversion or consolidation of then existing loan capital; but this section shall not apply to any duty payable in respect of a mortgage or marketable security which has been paid on any trust deed or other document securing the loan capital which has been issued.

(2) If it is represented to the Commissioners by any such local authority, corporation, company, or body of persons that loan capital about to be issued by them is to be applied, in

whole or in part, for the purpose of the conversion or consolidation of existing loan capital, the Commissioners may postpone the time for the delivery of the statement and the payment of duty under section eight of the Finance Act, 1899, until the capital has been issued or until such other time as the Commissioners think fit for the purpose of enabling the payment and repayment of the duty to take place as one transaction.

Remission of stamp duty on Customs and Excise debentures and certificates.

11. The duty payable under the Stamp Act, 1891, on any debenture or certificate for entitling any person to receive any allowance by way of drawback or otherwise payable out of the revenue of customs or excise, for or in respect of any goods, wares, or merchandise exported or shipped to be exported from the United Kingdom to any part beyond the sea, and on any certificate of any goods, wares, or merchandise having been duly entered inwards, which shall be entered outwards for exportation at the port of importation, or be removed from thence to any other port for the more convenient exportation thereof, where such certificate is issued for enabling a person to obtain a debenture or certificate entitling him to receive a drawback of any duty of customs, shall cease to be payable, and any such debentures or certificates shall not be liable to stamp duty.

Part III.

Death Duties.

Amended rates of estate duty.

12. The scale set out in the First Schedule to this Act shall, in the case of persons dying on or after the nineteenth day of April nineteen hundred and seven, be substituted for the scale of rates of estate duty set out in section seventeen of the Finance Act, 1894 (in this Part of this Act referred to as the principal Act):

57 & 58 Vict. c. 30.

Provided that where an interest in expectancy (within the meaning of Part I. of the principal Act) in any property has before the nineteenth day of April nineteen hundred and seven been bonâ fide sold or mortgaged for full consideration in money or money's worth, then no other duty on that property shall be payable by the purchaser or mortgagee when the interest falls into possession than would have been payable if this section had not passed; and in the case of a mortgage any higher duty payable by the mortgagor shall rank as a charge subsequent to that of the mortgagee.

Extension of power to remit death duties.

13. The power of the Commissioners under subsection (11) of section eight of the principal Act to remit the payment of estate duty or interest thereon shall apply to the other duties which are included in the definition of death duties in subsection (3) of section thirteen of that Act as well as to estate duty.

Power to entertain applica-

14. The Commissioners may, if they think fit, entertain any application made for the purpose of subsection (2) of section

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tion for discharge from claims for estate duty made at any time.

eleven of the principal Act (which relates to discharge from claims for estate duty), at whatever time the application is made; and, as respects any application so entertained, the provisions of that subsection shall have effect notwithstanding that the application is made before the lapse of the two years mentioned in that subsection.

Calculation of the allowance to be made in respect of duty paid before the commencement of the Finance Act, 1894. 59 & 60 Vict. c. 28.

15. The deduction to be allowed under section twenty-one of the Finance Act, 1896, in respect of death duties previously paid on property on which estate duty is payable shall, instead of being the amount of the duty paid or payable, be the amount which would have been payable on account of the duty if the duty were calculated on the value of the property on which estate duty is payable: Provided that, if as respects any such deduction the person by whom the duty is payable requires the Commissioners, on the first delivery of his account, to calculate the deduction as if this section had not passed, the deduction shall be so calculated.

Limited aggregation of certain settled property abolished. 63 & 64 Vict. c. 7.

16. In the case of persons dying on or after the nineteenth day of April nineteen hundred and seven, any settled property which would, under subsection (2) of section twelve of the Finance Act, 1900, be aggregated with other property so as to enhance the rate of duty to the limited extent provided in that section, shall, for the purposes of the principal Act, instead of being so aggregated, be treated as an estate by itself.

PART IV.

LOCAL TAXATION ACCOUNT.

Provision with respect to certain grants to local taxation accounts.

17.—(1) The grants specified in the Second Schedule to this Act shall instead of being charged in manner provided by the Acts relating to those grants, be charged on and paid out of the Consolidated Fund or the growing produce thereof, but in the case of grants which are payable during the continuance of any temporary Act only so long as that Act is continued.

(2) The proceeds of the local taxation (customs and excise) duties, and of the duties on local taxation licences (including any duty charged under subsection (1) of section eight of the Locomotives on Highways Act, 1896) payable under any Act in force at the commencement of this Act into any local taxation account, shall, instead of being paid into that account, be paid into the Exchequer, and there shall be paid into any such local taxation account out of the Consolidated Fund or the growing produce thereof a sum equal to the amount which would have been paid into that account as the proceeds of the duties if this Act had not passed.

59 & 60 Vict. c. 36.

(3) Where under this section or under any other enactment the amount of any sum paid into any local taxation account is made to depend on the proceeds of the duties on local taxation

licences, those proceeds shall be calculated, in the event of any alteration of the rate of duties, as if the duties were at the rate in force at the commencement of this Act:

Provided that, if in any year owing to any alteration in the rate of duties the rate of any such duty is higher than the rate in force at the commencement of this Act, and the proceeds of that duty in that year as so calculated are less than the average proceeds of the duty for the three years ending the thirty-first day of March nineteen hundred and seven, the proceeds of the duty instead of being calculated as aforesaid shall be deemed to be the amount of those average proceeds, and the Commissioners of Inland Revenue shall give their certificates as to the sums ascertained to be the proceeds of those duties accordingly.

(4) In this section the expression "proceeds of duties" includes sums ascertained to be the proceeds of the duties, and any reference in any enactment to the duties or proceeds of the duties referred to in this section shall, so far as relates to the distribution of or mode of dealing with those duties or proceeds, be construed as a reference to the sums to be paid in lieu thereof under this section.

(5) This section shall have effect as from the commencement of the current financial year, and, as respects any payment made or other thing done between the commencement of the current financial year and the date of the passing of this Act, the Treasury may cause such adjustments of accounts to be made as are required to give effect to the provisions of this section.

Part V.

Income Tax.

Income tax for 1907–8.

18.—(1) Income tax for the year beginning on the sixth day of April nineteen hundred and seven shall be charged at the rate of one shilling.

(2) All such enactments relating to income tax as were in force on the fifth day of April nineteen hundred and seven shall, subject to any amendments made by this Act, have full force and effect with respect to the duty of income tax hereby granted.

(3) The annual value of any property which has been adopted for the purpose either of income tax under Schedules A. and B. in the Income Tax Act, 1853, or of inhabited house duty, during the year ending on the fifth day of April nineteen hundred and seven, shall be taken as the annual value of such property for the same purpose during the next subsequent year; provided that this subsection— 16 & 17 Vict. c. 34.

(*a*) so far as respects the duty on inhabited houses in Scotland, shall be construed with the substitution of the twenty-fourth day of May for the fifth day of April; and

(*b*) shall not apply to the Metropolis as defined by the Valuation (Metropolis) Act, 1869. 32 & 33 Vict. c. 67.

Relief in respect of earned income where total income does not exceed 2,000*l*.

19.—(1) Any individual who claims and proves, in manner provided by this section, that his total income from all sources does not exceed two thousand pounds, and that any part of that income is earned income, shall be entitled, subject to the provisions of this section, to such relief from income tax as will reduce the amount payable on the earned income to the amount which would be payable if the tax were charged on that income at the rate of nine pence.

(2) The relief given by this section shall be in addition to and not in derogation of any exemption or other relief or abatement under the Income Tax Acts, except that where an individual is entitled to relief from income tax under section eight of the Finance Act, 1898, or, in respect of the payment of premiums, under section fifty-four of the Income Tax Act, 1853 (as extended by any subsequent enactment), relief shall be given under this section only in respect of such earned income (if any) as remains after deducting therefrom the amount on which he is relieved of income tax under the said sections eight and fifty-four.

61 & 62 Vict. c. 10.
16 & 17 Vict. c. 34.

(3) Where relief is given under section eight of the Finance Act, 1898, or section fifty-four of the Income Tax Act, 1853, by way of repayment of the tax after relief has been given under this section, the amount repaid shall be adjusted so that the total amount of the relief given under this section and under the said sections eight and fifty-four does not exceed the amount which would have been given if the whole relief had been claimed simultaneously.

(4) An individual who desires relief under this section must, in cases where he is required to make a return for the purpose of the assessment of income tax, claim that relief at the time the return is made and must, in any case, claim that relief before the thirtieth day of September in the year for which the tax is charged.

For the purpose of making a claim for relief under this section with respect to income tax charged under this Act for the current year, any individual may, before the thirtieth day of September nineteen hundred and seven, substitute a fresh return for any return previously made by him.

(5) An individual shall not be entitled to relief under this section in respect of any income the tax on which he is entitled to charge against any other person, or to deduct, retain, or satisfy out of any payment which he is liable to make to any other person.

(6) Subject to the provisions of this section, all the provisions of the Income Tax Acts which relate to claims for exemption, relief, or abatement, or the proof to be given with respect to those claims, shall apply to claims for relief under this section and the proof to be given with respect to those claims.

(7) For the purposes of this section the expression "income" means income as estimated according to the several rules and

directions of the Income Tax Acts; and the expression "earned income" means—

(*a*) any income arising in respect of any remuneration from any office or employment of profit held by the individual, or in respect of any pension, superannuation, or other allowance, deferred pay, or compensation for loss of office given in respect of the past services of the individual or of the husband or parent of the individual in any office or employment of profit, whether the individual or husband or parent of the individual shall have contributed to such pension, superannuation allowance, or deferred pay or not; and

(*b*) any income from any property which is attached to or forms part of the emoluments of any office or employment of profit held by the individual; and

(*c*) any income which is charged under Schedules B or D in the Income Tax Act, 1853, or the rules prescribed by Schedule D in the Income Tax Act, 1842, and is immediately derived by the individual from the carrying on or exercise by him of his profession, trade, or vocation either as an individual, or, in the case of a partnership, as a partner personally acting therein. 5 & 6 Vict. c. 35.

In cases where a wife's profits are deemed to be profits of the husband, any reference in this provision to the individual includes either the husband or the wife.

(8) Section thirty-four of the Finance Act, 1894, shall cease to have effect so far as it gives relief or abatement to persons who are entitled to relief under section eight of the Finance Act, 1898.

Special provisions applicable to partners.

20. Where an individual carrying on or exercising any profession, trade or vocation in partnership with any other person makes any claim for exemption, relief, or abatement under the Income Tax Acts, the income of the individual from the partnership for the year to which the claim relates may be treated separately for the purpose of any such exemption, relief, or abatement, and if so treated shall be deemed to be the share to which he is entitled during the said year in the partnership profits, such profits being estimated according to the several rules and directions of those Acts.

Particulars to be given by employers.

21.—(1) Every employer, when required to do so by notice from an assessor, shall, within the time limited by the notice, prepare and deliver to the assessor a return of the names and places of residence of any persons employed by him, to whom this provision applies, and of the payments made to those persons in respect of that employment, and section fifty-five of the Income Tax Act, 1842, shall apply with respect to any such return as it applies with respect to the lists, declarations, or statements mentioned in that section. 5 & 6 Vict. c. 35.

This provision applies to all persons employed by an employer, except persons who are not employed in any other

employment, and whose remuneration in the employment for the year does not exceed the sum for the time being fixed as the limit for total exemption from income tax.

(2) Where the employer is a body of persons, corporate or unincorporate (including a company), the secretary of the body, or other officer (by whatever name called) performing the duties of secretary, shall be deemed to be the employer for the purposes of this provision, and any director of a company, or person engaged in the management of a company, shall be deemed to be a person employed.

Liability to make returns.

22.—(1) Every person upon whom notice is served in manner prescribed by section forty-eight of the Income Tax Act, 1842 (which relates to the delivery of notices by assessors), requiring him to make a return of any profits, gains, or income in respect of which he is chargeable with duty under Schedule D. or Schedule E. in the Income Tax Act, 1853, shall make a return in the form required by the notice, whether he is or is not chargeable with duty, and in default shall be liable to a penalty under section fifty-five of the Income Tax Act, 1842, accordingly:

Provided that a penalty inflicted in the case of a person proceeded against for not complying with this provision, who proves that he was not chargeable to duties, shall not exceed five pounds for any one offence.

(2) The duties imposed on officers of any corporation, company, fraternity, fellowship, or society by sections forty and fifty-four of the Income Tax Act, 1842, and by section eighteen of the Customs and Inland Revenue Act, 1879, shall, in the case of any company, be performed by the secretary of the company or other officer (by whatever name called) performing the duties of secretary.

42 & 43 Vict. c. 21.

Extension of time for certain proceedings.
31 Eliz. c. 5.
43 & 44 Vict. c. 19.
53 & 54 Vict. c. 21.

23.—(1) Notwithstanding anything in an Acte concerninge Informers, being chapter five of the Acts of the thirty-first year of the reign of Queen Elizabeth, or in subsection (4) of section twenty-one of the Taxes Management Act, 1880, or in subsection (2) of section twenty-two of the Inland Revenue Regulation Act, 1890, or in any other enactment, proceedings for the recovery of any fine or penalty incurred under the Income Tax Acts may be commenced within three years next after the fine or penalty is incurred.

(2) The time during which an assessment may be amended or an additional first assessment made under section fifty-two of the Taxes Management Act, 1880 (which relates to the amendment of assessments), or during which an assessment may be made on the estate of a deceased person under section twenty-four of the Customs and Inland Revenue Act, 1890 (which relates to the power to make such assessments), shall be any time within the year of assessment or within three years after the expiration thereof, and the time during which in cases of omission to charge any person a charge may be made and

43 & 44 Vict. c. 19.

53 & 54 Vict. c. 8.

allowed or signed under section sixty-three of the Taxes Management Act, 1880 (which relates to the powers of surveyors to make such charges), shall be a period of three years after the expiration of the year for which the person ought to have been charged.

(3) Nothing in this section shall affect proceedings for the recovery of fines or penalties incurred before the commencement of this Act, or extend the time during which any assessment may be made or amended, or a charge may be made on any person in respect of income tax charged under any Act passed before the commencement of this Act.

Provisions with respect to computing profits by average of three years. 28 & 29 Vict. c. 30.

24.—(1) Section one hundred and thirty-three of the Income Tax Act, 1842, and section six of the Revenue Act, 1865 (which provide for the reduction of assessments or the repayment of duty in certain cases where the profits of the year of assessment fall short of the sum on which the assessment has been made), shall cease to have effect as respects income tax charged for the year beginning the sixth day of April nineteen hundred and seven, or for any subsequent year.

(2) Where a person charged or chargeable with income tax in respect of any profession, trade, or vocation which has been set up or commenced within the period of three years upon the average of which the profits or gains are to be taken under the Income Tax Acts, or within the year of assessment, proves at the end of the year of assessment to the satisfaction of the commissioners by whom the assessment has been or can be made that the actual profits or gains arising from the profession, trade, or vocation in the year of assessment fall short of the profits or gains as computed in accordance with those Acts, he shall be entitled to be charged on the actual amount of the profits or gains so arising instead of on the amount of the profits or gains so computed, and, if he has paid the full amount of the tax on the profits or gains so computed, be entitled to repayment of the amount overpaid.

(3) Where a profession, trade, or vocation is discontinued in any year, any person charged or chargeable with income tax in respect of that profession, trade, or vocation, shall be entitled to be charged on the actual amount of the profits or gains arising from the profession, trade, or vocation in that year, and shall also, if he proves to the satisfaction of the Commissioners, by whom the assessment has been or could have been made, that the total amount of the income tax paid during the three previous years in respect of that profession, trade, or vocation, exceeds the total amount which would have been paid if he had been assessed in each of those years on the actual amount of the profits or gains arising in respect of the profession, trade, or vocation, be entitled to repayment of the excess.

Payment of tax on patent royalties by deduction.

25.—(1) In estimating, under any schedule of the Income Tax Acts, the amount of the profits and gains arising from any trade, manufacture, adventure, concern, profession, or vocation,

no deduction shall be made on account of any royalty, or other sum, paid in respect of the user of a patent, but the person paying the royalty or sum shall be authorised, on making the payment, to deduct and retain thereout the amount of the rate of income tax chargeable during the period through which the royalty or sum was accruing due.

51 & 52 Vict. c. 8.

(2) Subsection (3) of section twenty-four of the Customs and Inland Revenue Act, 1888, shall apply to any such royalties or sums as it applies to interest of money or annuities charged with income tax under Schedule D. in the Income Tax Act, 1853.

Provisions with respect to deductions for wear and tear of machinery or plant.

26.—(1) For the purpose of enabling deductions for wear and tear to be allowed by the additional Commissioners, claims in respect of those deductions shall be included in the annual statement required to be delivered under the Income Tax Acts of the profits or gains of the concern for the purpose of which the machinery or plant is used, and the additional Commissioners in assessing those profits and gains shall make such allowances in respect of those claims as they think just and reasonable.

(2) No deduction for wear and tear or repayment on account of any such deduction shall be allowed in any year if the deduction when added to the deductions allowed on that account in any previous years to the person by whom the concern is carried on will make the aggregate amount of the deductions exceed the actual cost to that person of the machinery or plant, including in that actual cost any expenditure in the nature of capital expenditure on the machinery or plant by way of renewal, improvement, or reinstatement.

(3) Where as respects any trade, manufacture, adventure, or concern full effect cannot be given to the deduction for wear and tear in any year owing to there being no profits or gains chargeable with income tax in that year, or owing to the profits or gains so chargeable being less than the deduction, the deduction or part of the deduction to which effect has not been given, as the case may be, shall, for the purpose of making the assessment for the following year, be added to the amount of the deduction for wear and tear for that year and deemed to be part of that deduction, or if there is no such deduction for that year, be deemed to be the deduction for that year, and so on for succeeding years.

(4) In this section the expression "deduction for wear and tear" means the deduction allowed, or which would be allowed,

41 & 42 Vict. c. 15.

under section twelve of the Customs and Inland Revenue Act, 1878, as representing the diminished value, by reason of wear and tear during the year, of machinery or plant used for the purposes of any trade, manufacture, adventure, or concern.

Power of Commissioners for special purposes to allow relief under s. 23 of 53 & 54 Vict. c. 8.

27. Any application for relief under section twenty-three of the Customs and Inland Revenue Act, 1890, may be made either to the Commissioners for the general purposes of the Acts relating to income tax as provided in that section or to the Commissioners for the special purposes of those Acts, and the last-named

Commissioners shall have the same power under that section as the first-named Commissioners have.

Deductions by clergymen or ministers of religion in respect of dwelling-houses in certain cases.

28. Where a clergyman or minister of any religious denomination pays rent for a dwelling-house, and uses any part thereof mainly and substantially for the purposes of his duty or function as such clergyman or minister, such part of the rent of the dwelling-house, not exceeding one-eighth, as the Commissioners by whom any assessment for income tax is made may allow, shall be treated for the purposes of section fifty-two of the Income Tax Act, 1853, as expenses to which the provisions of that section as to deduction and repayment apply.

Part VI.

National Debt.

Reduction of debt. 38 & 39 Vict. c. 45

29. The amount of the permanent annual charge for the National Debt under section one of the Sinking Fund Act, 1875, shall, during the current financial year, be the sum of twenty-nine and a half million instead of twenty-eight million pounds, and subsection (4) of section seven of the Finance Act, 1905, shall, as respects the current financial year, have effect accordingly.

Part VII.

General.

Repeal, construction, and short title.

30.—(1) The Acts specified in the Third Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

(2) Part I. of this Act so far as it relates to duties of customs shall be construed together with the Customs Consolidation Act, 1876, and the Acts amending that Act, and so far as it relates to duties of excise shall be construed together with the Acts which relate to the duties of excise and the management of those duties. 39 & 40 Vict. c. 36.

Part II. of this Act shall be construed together with the Stamp Act, 1891. 54 & 55 Vict. c. 39.

Part III. of this Act shall be construed together with the Finance Act, 1894. 57 & 58 Vict. c. 30.

Part V. of this Act shall be construed together with the Income Tax Acts, 1842 and 1853, and any other enactments relating to Income Tax, and those enactments and Part V. of this Act are in this Act referred to as the Income Tax Acts.

(3) This Act may be cited as the Finance Act, 1907.

SCHEDULES.

Section 12.

FIRST SCHEDULE.

SCALE OF RATES OF ESTATE DUTY.

Where the Principal Value of the Estate						Estate Duty shall be payable at the Rate per Cent. of
	£				£	
Exceeds	100	and does not exceed -			500	One pound.
„	500	„	„		1,000	Two pounds.
„	1,000	„	„		10,000	Three pounds.
„	10,000	„	„		25,000	Four pounds.
„	25,000	„	„		50,000	Four pounds ten shillings.
„	50,000	„	„		75,000	Five pounds.
„	75,000	„	„		100,000	Five pounds ten shillings.
„	100,000	„	„		150,000	Six pounds.
„	150,000	„	„		250,000	Seven pounds.
„	250,000	„	„		500,000	Eight pounds.
„	500,000	„	„		750,000	Nine pounds.
„	750,000	„	„		1,000,000	Ten pounds.
„	1,000,000	„	„		1,500,000	Ten pounds on one million, and eleven pounds on the remainder.
„	1,500,000	„	„		2,000,000	Ten pounds on one million, and twelve pounds on the remainder.
„	2,000,000	„	„		2,500,000	Ten pounds on one million, and thirteen pounds on the remainder.
„	2,500,000	„	„		3,000,000	Ten pounds on one million, and fourteen pounds on the remainder.
„	3,000,000	-	-	-	-	Ten pounds on one million, and fifteen pounds on the remainder.

Section 17.

SECOND SCHEDULE.

57 & 58 Vict. c. 30.

(1) The estate duty grants paid under section nineteen of the Finance Act, 1894 ; and

59 & 60 Vict. c. 16.

(2) The agricultural rates grant paid under section two of the Agricultural Rates Act, 1896 ; and

59 & 60 Vict. c. 37.

(3) The Scottish Agricultural rates grant paid under section three of the Agricultural Rates, Congested Districts, and Burgh Land Tax Relief (Scotland) Act, 1896.

THIRD SCHEDULE.

Section 30.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
5 & 6 Vict. c. 35.	The Income Tax Act, 1842.	The third rule of the rules applying to both the preceding cases in section one hundred from "except for the purpose" to "gains of such partnership." Section one hundred and thirty-three, except so far as it is referred to or incorporated in any other enactment.
28 & 29 Vict. c. 30.	The Revenue Act, 1865.	Section six.
54 & 55 Vict. c. 39.	The Stamp Act, 1891.	The following parts of the First Schedule:— The words "and made before a justice of the peace" in the exemption numbered (2) under the heading "AFFIDAVIT and STATUTORY DECLARATION." "CERTIFICATE of any goods, wares, or merchandise, having been duly entered inwards, which shall be entered outwards for exportation at the port of importation, or be removed from thence to any other port for the more convenient exportation thereof, where such certificate is issued for enabling a person to obtain a debenture or certificate entitling him to receive a drawback of any duty of customs - - - - 0 4 0" "DEBENTURE or CERTIFICATE for entitling any person to receive any allowance by way of drawback or otherwise payable out of the revenue of customs or excise, for or in respect of any goods, wares, or merchandise exported or shipped to be exported from the United Kingdom to any part beyond the sea. "Where the allowance to be received does not exceed 10*l.* - - 0 1 0 "Exceeds 10*l.* and does not exceed 50*l.* - - 0 2 6 "Exceeds 50*l.* - - 0 5 0"
57 & 58 Vict. c. 30.	The Finance Act, 1894.	The scale of the rates of estate duty in section seventeen, except as respects persons dying before the nineteenth day of April nineteen hundred and seven.

Session and Chapter.	Short Title.	Extent of Repeal.
63 & 64 Vict. c. 7.	Finance Act, 1900 -	In section two, the words "as from "the sixth day of March nineteen "hundred until the first day of "August nineteen hundred and "one." In section three, the words "as from "the sixth day of March nineteen "hundred until the first day of "August nineteen hundred and "one." In section four, the words "as from "the sixth day of March nineteen "hundred until the first day of "August nineteen hundred and "one," and the words "in and for "the same period." In section five the words "as from "the sixth day of March nineteen "hundred until the first day of "August nineteen hundred and "one," wherever they occur, and the words "This section shall "not affect the continuance after "the first day of August nineteen "hundred and one of the duties "existing prior to this section taking "effect." In section six the words "as from the "sixth day of March nineteen "hundred until the first day of "August nineteen hundred and "one," and the words "between "the fifth day of March nineteen "hundred and the first day of "August nineteen hundred and "one." In section seven the words "as from "the sixth day of March nineteen "hundred until the first day of "August nineteen hundred and "one."

CHAPTER 14.

An Act to make better provision as to the Relief of Persons released from detention in Prisons, Reformatory and Industrial Schools, and Inebriate Reformatories.

[21st August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Relief of released prisoner.

1.—(1) Where it appears to a justice of the peace having jurisdiction in the place where a prison is situate, or being a

member of the visiting committee or board of visitors of the prison, by notice in writing given by the governor of the prison, that a person detained in the prison is about to be released therefrom, and that on his release the person will, by reason of infirmity of mind or body, require immediate poor law relief, the justice may make an order for the removal of that person, on his release, to and his reception in the workhouse of the poor law union consisting of or comprising the parish in which he appears to the justice to be settled, or, if the justice cannot ascertain in what parish he is settled, then the workhouse of the poor law union to which he is deemed to be primâ facie chargeable for the purposes of this section.

(2) Such person shall, for the purposes of this section, be deemed to be primâ facie chargeable to the poor law union in which the ordinary residence of the person appears to the justice making the order to have been at the time when the offence for or in respect of which he is detained was alleged to have been committed, or, if the justice cannot ascertain such residence, then—

(*a*) to the poor law union in which such offence was alleged to have been committed; or

(*b*) if that offence was alleged to have been committed out of the United Kingdom, to the poor law union in which the court of summary jurisdiction by which the person was convicted or committed for trial, or ordered to be detained, sat.

(3) The order of the justice shall be in such form as may be prescribed by the Secretary of State, and shall authorise the conveyance of the person in respect of whom it is made to the workhouse named in the order, and shall be served and be enforceable in like manner as an order of removal under the Acts relating to the relief of the poor.

(4) Where it appears to the justice making the order that the person will on his release be too ill to be removed to the workhouse named in the order, he may suspend the operation of the order, and in that case the person on his release may be conveyed to and shall be received in the workhouse of the poor law union in which the prison is situate, but the expenses of his maintenance in that workhouse shall be repaid by the guardians of the poor law union named in the order.

(5) Where an order under this Act has been made with respect to any person, an order under the Acts relating to the relief of the poor for his removal to the poor law union consisting of or comprising the parish where he is actually settled may be obtained on the application of the guardians of the poor law union named in the first-mentioned order, either before or after the execution of that order, and on such last-mentioned order being obtained the order under this Act shall cease to have effect, and the provisions of this Act shall cease to apply,

but all expenses entailed by this Act or an order made thereunder on the guardians of the poor law union named in that order shall be repaid to them by the guardians of the poor law union consisting of or comprising the parish where the said person is actually settled.

Application of Act to reformatory and industrial schools.

2. This Act shall apply to persons detained in industrial and reformatory schools, subject to the following modifications :—

(*a*) For references to prisons and governors thereof there shall be substituted references to reformatory and industrial schools and superintendents thereof:

(*b*) For the reference to members of the visiting committee or board of visitors there shall be substituted a reference to managers:

(*c*) References to offences and the time and place where offences were committed shall include references to the circumstances in consequence of which the order of detention was made and the time and place where such circumstances occurred.

Application of Act to inebriate reformatories.

3. This Act shall apply to persons detained in inebriate reformatories subject, in the case of certified inebriate reformatories, to the following modifications :—

(*a*) For references to prisons and governors thereof there shall be substituted references to inebriate reformatories and superintendents thereof:

(*b*) For references to members of the visiting committee or board of visitors there shall be substituted references to managers.

Short title and extent.

4.—(1) This Act may be cited as the Released Persons (Poor Law Relief) Act, 1907.

(2) This Act shall extend only to England and Wales, and where a person has not a place of settlement or residence in England or Wales his place of settlement or residence shall be deemed for the purposes of this Act to be unascertainable.

CHAPTER 15.

An Act to enable Provisional Orders to be made for regulating Salmon and Freshwater Fisheries.

[21st August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power of Board of Agriculture and Fisheries to make orders.

1. With a view to the improvement and development of the salmon fisheries or freshwater fisheries, or either of them, within any area, the Board of Agriculture and Fisheries may, upon such application as is herein-after mentioned, make a

provisional order for the regulation of any such fisheries within the area defined by the order.

Contents of the order.

2.—(1) A provisional order under this Act may provide for—

(*a*) defining the area within which the order is to apply;

(*b*) the constitution and incorporation of a board of conservators;

(*c*) applying to a board of conservators so constituted, and an area so defined, either without modification, or subject to such modifications as may be contained in the order, all or any of the provisions of the Salmon and Freshwater Fisheries Acts with respect to boards of conservators and fishery districts constituted under those Acts;

(*d*) the imposition, collection, and recovery of contributions to be assessed on private fisheries regulated by the order or on the owners or occupiers thereof;

(*e*) enabling the conservators to purchase or take on lease any part of the foreshore specified in the order together with any easement over any adjoining land necessary for securing access to the foreshore so acquired, and by themselves or their lessees to erect on the foreshore so acquired and work fixed engines for salmon;

Provided that any such order—

(i) shall not authorise a fixed engine for salmon to be worked for a period exceeding five years unless the authority is from time to time extended by licence of the Board for such term as may be specified in the licence and not exceeding at any one time five years, and the Board shall not grant any such licence until they have inquired into the effect of the working of the engine on the salmon fisheries within the area; and

(ii) shall provide that all rents and profits of the fixed engines for salmon authorised by the order to be worked by the conservators shall be appropriated for the purpose of securing the restriction or abolition of the use in the area of nets and other obstructions to the passage of salmon:

(*f*) modifying in relation to the fisheries within the area any of the provisions of the Salmon and Freshwater Fisheries Acts which relate to the regulation of fisheries, or of any local Act relating to any fishery within the area;

(*g*) abolishing any board of conservators established under the Salmon and Freshwater Fisheries Acts within the area, and transferring their property and liabilities to the board of conservators constituted by the

order, and making such adjustments between the two bodies as may appear to the Board to be necessary or expedient;

(*h*) requiring returns to be made by persons taking fish within the area;

(*i*) the payment out of any funds in the hands of the board of conservators constituted by the order of the costs of the applicants in obtaining the order and its confirmation by Parliament;

(*j*) the general regulation of the fisheries within the area,

and may contain any incidental, consequential, or supplemental provisions, including provisions for payment of compensation to persons injuriously affected by the order, which may appear to be necessary or proper for the purposes of the order.

(2) For the purpose of the acquisition of any part of the foreshore or any easement necessary for giving access thereto authorised to be taken compulsorily under any such provisional order, the provisions of the Lands Clauses Acts which relate to the purchase and taking of lands otherwise than by agreement, and to the entry upon lands by the promoters of the undertaking, are, subject to the modifications set out in the schedule to this Act, incorporated with this Act.

(3) The Board of Agriculture and Fisheries shall make rules providing for proper notice being given of an application for the inclusion in a provisional order of a power to acquire compulsorily any part of the foreshore or any easement over adjoining land to owners, lessees, and occupiers of the foreshore or land affected, and also for public notice being given of the application by advertisement.

(4) A provisional order under this Act shall not apply to any waters in which the business of artificially propagating or rearing salmon or trout is carried on under a licence granted by the Board of Agriculture and Fisheries, and any such licence may be granted by the Board, subject to such conditions (if any) as they think fit, and may be revoked if the Board are of opinion that any condition has not been observed.

Application for the order.

3. A provisional order under this Act shall not be made except on the application of a board of conservators constituted under the Salmon and Freshwater Fisheries Acts, or of a county council, or of persons who in the opinion of the Board of Agriculture and Fisheries are the owners of one-fourth at least in value of the private fisheries proposed to be regulated or constitute a majority of the persons holding licences to fish in public waters within the area of the proposed order, and every such application shall be advertised by the applicants in such manner as the Board of Agriculture and Fisheries direct.

Procedure for making the order.

4.—(1) The Board of Agriculture and Fisheries, if they consider that a primâ facie case is made out by the applicants for the making of a provisional order under this Act, shall

hold a local inquiry (of which due notice shall be given) by an inspector or other officer of the Board, who shall report the result of his inquiry to the Board, and they, if satisfied of the propriety of making an order, shall prepare a draft, and shall once in each of two successive weeks notify the making of the draft order in some newspaper in general circulation within the area to which the draft relates, and the notification shall specify the place where copies of the draft can be inspected and obtained, and the time within which and the manner in which notices of objection to the draft are to be sent to the Board.

(2) The Board may, if they think it expedient, and shall, if any county council having authority within the area of the proposed order object, hold a local inquiry by an inspector or other officer of the Board with respect to any objections made to the draft order, and shall, after considering all such objections and the report of the officer who held the inquiry (if any) thereon, settle the terms of the draft order.

Confirmation by Parliament.

5.—(1) The Board of Agriculture and Fisheries may submit to Parliament for confirmation any provisional order made by them in pursuance of this Act, and any such order shall be of no force whatever unless and until it is confirmed by Parliament.

(2) The Board may revoke either wholly or partially any such order before the order is confirmed by Parliament, but such revocation shall not be made whilst the Bill confirming the order is pending in either House of Parliament.

(3) If while the Bill confirming any such order is pending in either House of Parliament a petition is presented against any order comprised therein, the Bill, so far as it relates to such order, shall be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills.

(4) Any such order may be repealed, altered, or amended by a further provisional order made by the Board in like manner as the original order, and confirmed by Parliament.

Expenses.

6. Any expenses incurred by any board of conservators or county council under this Act in respect of any provisional order or confirming Bill made thereunder, or in respect of any application for any such order, shall, whether or not the application for the order was made by the board or the council, be defrayed—

(*a*) in the case of a board of conservators, as expenses incurred by them under the Salmon and Freshwater Fisheries Acts; and

(*b*) in the case of a county council, out of the county fund.

Consents in case of Crown and Duchy foreshore and land.

7. Where any portion of the foreshore proposed to be comprised in a provisional order under this Act, or any fishery proposed to be affected by any such order, or any land over which it is proposed to acquire an easement under any such

order, belongs to His Majesty in right of the Crown, or forms part of the possessions of the Duchy of Lancaster or the Duchy of Cornwall, the Board of Agriculture and Fisheries shall not make the Order:—

(*a*) In the case of any foreshore under the management of the Commissioners of Woods, or of any fishery or land belonging to His Majesty in right of the Crown, without the consent of the Commissioners of Woods, or one of them:

(*b*) In the case of any foreshore under the management of the Board of Trade, without the consent of the Board of Trade:

(*c*) In the case of any foreshore or fishery or land forming part of the possessions of the Duchy of Lancaster, without the consent of the Chancellor of the Duchy:

(*d*) In the case of any foreshore or fishery or land forming part of the possessions of the Duchy of Cornwall, without the consent of the Duke of Cornwall, or other the persons for the time being empowered to dispose for any purpose of the lands of the Duchy.

Short title, extent, and construction.

8.—(1) This Act may be cited as the Salmon and Freshwater Fisheries Act, 1907, and may be cited with the Salmon and Freshwater Fisheries Acts, 1861 to 1892.

(2) This Act shall not apply to Scotland (except the River Esk, in Dumfriesshire, and its tributaries) or to Ireland, or to the River Tweed, as defined by byelaw under the Salmon Fisheries (Scotland) Act, 1862, or to its tributaries.

25 & 26 Vict. c. 97.

(3) In this Act the expression "Salmon and Freshwater Fisheries Acts" means the Salmon and Freshwater Fisheries Acts, 1861 to 1892, and the Fisheries (Norfolk and Suffolk) Act, 1896, and other expressions have the same meaning as in those Acts.

59 & 60 Vict. c. 18.

Section 2.

SCHEDULE.

MODIFICATIONS OF THE LANDS CLAUSES ACTS.

The following modifications shall have effect in the construction of the provisions of the Lands Clauses Acts incorporated by this Act for the purposes thereof:—

(*a*) The expression "special Act" means this Act inclusive of any provisional order authorising the compulsory acquisition of any part of the foreshore, except that the period of three years mentioned in section one hundred and twenty-three of the Lands Clauses Consolidation Act, 1845, shall be calculated from the passing of the Act confirming the provisional order;

(*b*) The expression "the promoters" means the board of conservators constituted by the order; and

(*c*) The expression "land" includes easements in or relating to land.

CHAPTER 16.

An Act to facilitate the admission in evidence of statutes passed by the Legislatures of British possessions and protectorates, including Cyprus. [21st August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Proof of statutes of British possessions.

1.—(1) Copies of Acts, ordinances, and statutes passed (whether before or after the passing of this Act) by the Legislature of any British possession, and of orders, regulations, and other instruments issued or made, whether before or after the passing of this Act, under the authority of any such Act, ordinance, or statute, if purporting to be printed by the Government printer, shall be received in evidence by all courts of justice in the United Kingdom without any proof being given that the copies were so printed.

(2) If any person prints any copy or pretended copy of any such Act, ordinance, statute, order, regulation, or instrument which falsely purports to have been printed by the Government printer, or tenders in evidence any such copy or pretended copy which falsely purports to have been so printed, knowing that it was not so printed, he shall on conviction be liable to be sentenced to imprisonment with or without hard labour for a period not exceeding twelve months.

(3) In this Act—

The expression "Government printer" means, as respects any British possession, the printer purporting to be the printer authorised to print the Acts, ordinances, or statutes of the Legislature of that possession, or otherwise to be the Government printer of that possession:

The expression "British possession" means any part of His Majesty's dominions exclusive of the United Kingdom, and, where parts of those dominions are under both a central and a local Legislature, shall include both all parts under the central Legislature and each part under a local Legislature.

28 & 29 Vict. c. 63.

(4) Nothing in this Act shall affect the Colonial Laws Validity Act, 1865.

(5) His Majesty may by Order in Council extend this Act to Cyprus and any British protectorate, and where so extended this Act shall apply as if Cyprus or the protectorate were a British possession, and with such other necessary adaptations as may be made by the Order.

Short title.

2. This Act may be cited as the Evidence (Colonial Statutes) Act, 1907.

CHAPTER 17.

An Act to permit the Release on Probation of Offenders in certain cases, and for other matters incidental thereto. [21st August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power of courts to permit conditional release of offenders.

1.—(1) Where any person is charged before a court of summary jurisdiction with an offence punishable by such court, and the court thinks that the charge is proved, but is of opinion that, having regard to the character, antecedents, age, health, or mental condition of the person charged, or to the trivial nature of the offence, or to the extenuating circumstances under which the offence was committed, it is inexpedient to inflict any punishment or any other than a nominal punishment, or that it is expedient to release the offender on probation, the court may, without proceeding to conviction, make an order either—

(i) dismissing the information or charge; or

(ii) discharging the offender conditionally on his entering into a recognizance, with or without sureties, to be of good behaviour and to appear for conviction and sentence when called on at any time during such period, not exceeding three years, as may be specified in the order.

(2) Where any person has been convicted on indictment of any offence punishable with imprisonment, and the court is of opinion that, having regard to the character, antecedents, age, health, or mental condition of the person charged, or to the trivial nature of the offence, or to the extenuating circumstances under which the offence was committed, it is inexpedient to inflict any punishment or any other than a nominal punishment, or that it is expedient to release the offender on probation, the court may, in lieu of imposing a sentence of imprisonment, make an order discharging the offender conditionally on his entering into a recognizance, with or without sureties, to be of good behaviour and to appear for sentence when called on at any time during such period, not exceeding three years, as may be specified in the order.

(3) The court may, in addition to any such order, order the offender to pay such damages for injury or compensation for loss (not exceeding in the case of a court of summary jurisdiction ten pounds, or, if a higher limit is fixed by any enactment relating to the offence, that higher limit) and to pay such costs of the proceedings as the court thinks reasonable, and, if the offender is under the age of sixteen years, and it appears to the court that the parent or guardian of the offender has conduced to the commission of the offence, the court may under and in

accordance with the Youthful Offenders Act, 1901, order payment of such damages and costs by such parent or guardian. 1 Edw. 7. c. 20.

(4) Where an order under this section is made by a court of summary jurisdiction, the order shall, for the purpose of revesting or restoring stolen property, and of enabling the court to make orders as to the restitution or delivery of property to the owner and as to the payment of money upon or in connexion with such restitution or delivery, have the like effect as a conviction.

Probation orders and conditions of recognizances.

2.—(1) A recognizance ordered to be entered into under this Act shall, if the court so order, contain a condition that the offender be under the supervision of such person as may be named in the order during the period specified in the order and such other conditions for securing such supervision as may be specified in the order, and an order requiring the insertion of such conditions as aforesaid in the recognizance is in this Act referred to as a probation order.

(2) A recognizance under this Act may contain such additional conditions as the court may, having regard to the particular circumstances of the case, order to be inserted therein with respect to all or any of the following matters:—

(*a*) for prohibiting the offender from associating with thieves and other undesirable persons, or from frequenting undesirable places;

(*b*) as to abstention from intoxicating liquor, where the offence was drunkenness or an offence committed under the influence of drink;

(*c*) generally for securing that the offender should lead an honest and industrious life.

(3) The court by which a probation order is made shall furnish to the offender a notice in writing stating in simple terms the conditions he is required to observe.

Probation officers.

3.—(1) There may be appointed as probation officer or officers for a petty sessional division such person or persons of either sex as the authority having power to appoint a clerk to the justices of that division may determine, and a probation officer when acting under a probation order shall be subject to the control of petty sessional courts for the division for which he is so appointed.

(2) There shall be appointed, where circumstances permit, special probation officers, to be called children's probation officers, who shall, in the absence of any reasons to the contrary, be named in a probation order made in the case of an offender under the age of sixteen.

(3) The person named in any probation order shall,—

(*a*) where the court making the order is a court of summary jurisdiction, be selected from amongst the probation officers for the petty sessional division in or for which the court acts; or

(*b*) where the court making the order is a court of assize or a court of quarter sessions, be selected from amongst the probation officers for the petty sessional division from which the person charged was committed for trial:

Provided that the person so named may, if the court considers it expedient on account of the place of residence of the offender, or for any other special reason, be a probation officer for some other petty sessional division, and may, if the court considers that the special circumstances of the case render it desirable, be a person who has not been appointed to be probation officer for any petty sessional division.

(4) A probation officer appointed for a petty sessional division may be paid such salary as the authority having the control of the fund out of which the salary of the clerk to the justices of that petty sessional division is paid may determine, and if not so paid by salary may receive such remuneration for acting under a probation order as the court making the order thinks fit, not exceeding such remuneration as may be allowed by the regulations of such authority as aforesaid, and may in either case be paid such out-of-pocket expenses as may be allowed under such regulations as aforesaid, and the salary or remuneration and expenses shall be paid by that authority out of the said funds.

(5) A person named in a probation order not being a probation officer for a petty sessional division may be paid such remuneration and out-of-pocket expenses out of such fund as the court making the probation order may direct, not exceeding such as may be allowed under the regulations of the authority having control of the fund out of which the remuneration is directed to be paid.

(6) The person named in a probation order may at any time be relieved of his duties, and, in any such case or in case of the death of the person so named, another person may be substituted by the court before which the offender is bound by his recognizance to appear for conviction or sentence, or, if he be a probation officer for a petty sessional division, by a court to whose control that officer is subject.

(7) In the application of this Act to the City of London and the metropolitan police court district, the city and each division of that district shall be deemed to be a petty sessional division.

Duties of probation officers.

4. It shall be the duty of a probation officer, subject to the directions of the court—

(*a*) to visit or receive reports from the person under supervision at such reasonable intervals as may be specified in the probation order or, subject thereto, as the probation officer may think fit;

(*b*) to see that he observes the conditions of his recognizance;

(*c*) to report to the court as to his behaviour;

(*d*) to advise, assist, and befriend him, and, when necessary, to endeavour to find him suitable employment.

Power to vary conditions of release.

5. The court before which any person is bound by his recognizance under this Act to appear for conviction or sentence may, upon the application of the probation officer, and after notice to the offender, vary the conditions of the recognizance and may, on being satisfied that the conduct of that person has been such as to make it unnecessary that he should remain longer under supervision, discharge the recognizance.

Provision in case of offender failing to observe conditions of release.

6.—(1) If the court before which an offender is bound by his recognizance under this Act to appear for conviction or sentence, or any court of summary jurisdiction, is satisfied by information on oath that the offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehension, or may, if it thinks fit, instead of issuing a warrant in the first instance, issue a summons to the offender and his sureties (if any) requiring him or them to attend at such court and at such time as may be specified in the summons.

(2) The offender, when apprehended, shall, if not brought forthwith before the court before which he is bound by his recognizance to appear for conviction or sentence, be brought before a court of summary jurisdiction.

(3) The court before which an offender on apprehension is brought, or before which he appears in pursuance of such summons as aforesaid, may, if it is not the court before which he is bound by his recognizance to appear for conviction or sentence, remand him to custody or on bail until he can be brought before the last-mentioned court.

(4) An offender so remanded to custody may be committed during remand to any prison to which the court having power to convict or sentence him has power to commit prisoners. In the case of a child or young person under the age of sixteen, he shall, if remanded, be dealt with wherever practicable in accordance with the provisions of section four, subsection one, of the Youthful Offenders Act, 1901.

(5) A court before which a person is bound by his recognizance to appear for conviction and sentence, on being satisfied that he has failed to observe any condition of his recognizance, may forthwith, without further proof of his guilt, convict and sentence him for the original offence or, if the case was one in which the court in the first instance might, under section fifteen of the Industrial Schools Act, 1866, have ordered the offender to be sent to a certified industrial school, and the offender is still apparently under the age of twelve years, make such an order.

29 & 30 Vict. c. 118.

Power to make rules.

7. The Secretary of State may make rules for carrying this Act into effect, and in particular for prescribing such matters incidental to the appointment, resignation, and removal of probation officers, and the performance of their duties, and the reports to be made by them, as may appear necessary.

Application to Scotland.

8. This Act shall apply to Scotland, subject to the following modifications :—

(1) There may be appointed as probation officers for a district being a royal, parliamentary, or police burgh, or a

county outwith the police boundaries of any such burgh, such persons as the burgh magistrates may determine for the burgh and the sheriff for the county; and a probation officer when acting under a probation order shall be subject to the control of the burgh police court or sheriff court, as the case may be:

(2) The immediately preceding subsection shall be substituted for subsection one of section three of this Act, and references in this Act to a petty sessional division shall be construed as references to a district:

(3) The expression "court of summary jurisdiction" where occurring in section three of this Act shall include the sheriff sitting with a jury:

(4) "Bond" shall be substituted for "recognizance," the "Secretary for Scotland" shall be substituted for "the Secretary of State," and "the High Court of Justiciary" shall be substituted for "a court of assize or a court of quarter sessions":

(5) The authority having power to regulate the remuneration of probation officers shall be the town council in a burgh and the county council in a county, and such remuneration shall be paid out of the burgh general or police assessment or the county general assessment, as the case may be.

Application to Ireland.

9. In the application of this Act to Ireland "Lord Lieutenant" shall be substituted for "Secretary of State," and each division of the police district of Dublin metropolis shall be deemed to be a petty sessional division.

Short title and repeal.

10.—(1) This Act may be cited as the Probation of Offenders Act, 1907.

(2) The enactments mentioned in the schedule to this Act shall be repealed to the extent specified in the third column of that schedule.

(3) This Act shall come into operation on the first day of January one thousand nine hundred and eight.

Section 10.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
42 & 43 Vict. c. 49.	The Summary Jurisdiction Act, 1879 -	Section sixteen.
50 & 51 Vict. c. 25.	The Probation of First Offenders Act, 1887.	The whole Act.
1 Edw. 7. c. 20	The Youthful Offenders Act, 1901 -	Section twelve.

CHAPTER 18.

An Act to amend the Married Women's Property Act, 1882. [21st August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Dispositions of trust estates by married women.

1.—(1) A married woman is able, without her husband, to dispose of, or to join in disposing of, real or personal property held by her solely or jointly with any other person as trustee or personal representative in like manner as if she were a femme sole.

(2) This section operates to render valid and confirm all such dispositions made after the thirty-first day of December one thousand eight hundred and eighty-two, whether before or after the commencement of this Act, but, where any title or right has been acquired through or with the concurrence of the husband before the commencement of this Act, that title or right shall prevail over any title or right which would otherwise be rendered valid by this section.

Settlements of a married woman's separate property. 45 & 46 Vict. c. 75.

2.—(1) Notwithstanding section nineteen of the Married Women's Property Act, 1882, a settlement or agreement for a settlement made after the commencement of this Act by the husband or intended husband, whether before or after marriage, respecting the property of any woman he may marry or have married, shall not be valid unless it is executed by her if she is of full age, or confirmed by her after she attains full age.

(2) But if she dies an infant any covenant or disposition by her husband contained in the settlement or agreement shall bind or pass any interest in any property of hers to which he may become entitled on her death and which he could have bound or disposed of if this Act had not been passed.

(3) Nothing in this section shall render invalid any settlement or agreement for a settlement made or to be made under the provisions of the Infant Settlements Act, 1855. 18 & 19 Vict. c. 43.

Married woman entitled to prior estate to be protector of settlement alone.

3.—(1) Where a married woman would, if single, be the protector of a settlement in respect of a prior estate, which is by virtue of the Married Women's Property Act, 1882, made her separate property, then she alone shall, in respect of that estate, be the protector of the settlement.

(2) This section applies to disentailing assurances and surrenders made after the thirty-first day of December one thousand eight hundred and eighty-two, and as well before as after the commencement of this Act.

Short title; commencement; construction.

4.—(1) This Act may be cited as the Married Women's Property Act, 1907.

(2) This Act shall come into operation on the first day of January one thousand nine hundred and eight.

(3) This Act shall not extend to Scotland.

45 & 46 Vict. c. 75. 47 Vict. c. 14. 56 & 57 Vict. c. 63.

(4) This Act shall be construed with the Married Women's Property Acts, 1882, 1884, and 1893, and those Acts and this Act may be cited together as the Married Women's Property Acts, 1882 to 1907.

CHAPTER 19.

An Act to enable portion of a term of imprisonment in Ireland to be remitted as a reward for good conduct.

[21st August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Remissions for industry and good conduct.

1. Provision may be made by prison rules for enabling a prisoner sentenced to imprisonment, whether by one sentence or cumulative sentences, for a period prescribed by the rules, to earn by special industry and good conduct a remission of a portion of his imprisonment, and on his discharge his sentence shall be deemed to have expired.

Rules.

2. Prison rules for the purposes of this Act may be made by the General Prisons Board for Ireland, subject to the approval of the Lord Lieutenant and Privy Council, and section fifty-seven of the General Prisons (Ireland) Act, 1877, which provides conditions applicable to rules under that Act, shall apply to rules under this Act.

40 & 41 Vict. c. 49.

Commencement of Act.

3. This Act shall come into operation on the date at which the first rules made thereunder come into force.

Short title and citation.

4. This Act may be cited as the Prisons (Ireland) Act, 1907, and may be cited with the Prisons (Ireland) Acts, 1826 to 1899.

CHAPTER 20.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand nine hundred and eight, and to appropriate the Supplies granted in this Session of Parliament.

[21st August 1907.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most

humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Grants out of Consolidated Fund.

Issue of 72,563,714*l.* out of the Consolidated Fund.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March one thousand nine hundred and eight, the sum of seventy-two million five hundred and sixty-three thousand seven hundred and fourteen pounds.

Power for the Treasury to borrow.

2.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sums, any sum or sums not exceeding in the whole seventy-two million five hundred and sixty-three thousand seven hundred and fourteen pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March nineteen hundred and eight, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

40 & 41 Vict. c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per cent. per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

Appropriation of Grants.

Appropriation of sums voted for supply services.

3. All sums granted by this Act and the other Act mentioned in Schedule (A.) annexed to this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by the said schedule, in the aggregate, to the sum of one hundred and ten million seven hundred and fifty thousand one hundred and twenty-nine pounds are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Act mentioned in the said Schedule (A.), for the services and purposes expressed in Schedule (B.) annexed hereto.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

In addition to the sums hereby granted out of the Consolidated Fund, there may be applied out of any money directed under section two of the Public Accounts and Charges Act, 1891, to be applied as appropriations in aid of the grants for the services and purposes specified in Schedule (B.) annexed hereto, the sums respectively set forth in the last column of the said schedule.

54 & 55 Vict. c. 24.

Treasury may, in certain cases of exigency, authorise expenditure unprovided for; provided that the aggregate grants for the navy services and for the army services respectively be not exceeded.

4.—(1) So long as the aggregate expenditure on naval and military services respectively is not made to exceed the aggregate sums appropriated by this Act for those services respectively, any surplus arising on any vote for those services, either by an excess of the sum realised on account of appropriations in aid of the vote over the sum which may be applied under this Act as appropriations in aid of that vote, or by saving of expenditure on that vote, may, with the sanction of the Treasury, be temporarily applied either in making up any deficiency in the sums realised on account of appropriations in aid of any other vote in the same department, or in defraying expenditure in the same department which is not provided for in the sums appropriated to the service of the department by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course.

(2) A statement showing all cases in which the sanction of the Treasury has been given to the temporary application of a surplus under this section, and showing the circumstances under which the sanction of the Treasury has been given, shall be laid before the House of Commons with the appropriation accounts of the naval and military services for the year, in order that any temporary application of any surplus sanctioned by the Treasury under this section may be submitted for the sanction of Parliament.

Sanction for navy and army expenditure for 1905–1906 unprovided for.

5 Edw. 7. c. 17.
6 Edw. 7. c. 26.

5. Whereas under the powers given for the purpose by the Appropriation Act, 1905, and the Appropriation Act, 1906, surpluses arising on certain votes for the naval and military services respectively have been temporarily applied as shown in the accounts set out in Schedule (C.) to this Act.

It is enacted that the application of those surpluses as shown in the said accounts is hereby sanctioned.

Declaration required in certain cases before receipt of sums appropriated.

6. A person shall not receive any part of a grant which may be made in pursuance of this Act for half-pay or army, navy, or civil non-effective services, until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Treasury before one of the persons prescribed by such warrant:

Provided that, whenever any such payment is made at more frequent intervals than once in a quarter, the Treasury may dispense with the production of more than one declaration in respect of each quarter.

Any person who makes a declaration for the purpose of this section, knowing the same to be untrue in any material particular, shall be guilty of a misdemeanor.

7. This Act may be cited for all purposes as the Appropriation Act, 1907. Short title.

ABSTRACT

OF

SCHEDULES (A.) and (B.) to which this Act refers.

SCHEDULE (A.)

	£	*s.*	*d.*
Grants out of the Consolidated Fund - - -	110,750,129	0	0

SCHEDULE (B.)—Appropriation of Grants.

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
1906–1907.	£	*s.*	*d.*	£	*s.*	*d.*
Part 1. Army (Supplementary), 1906–1907 - -	100	0	0	—		
„ 2. Civil Services (Supplementary), 1906–1907 - -	71,615	0	0	1,630	0	0
£	71,715	0	0	1,630	0	0
1907–1908.						
„ 3. Navy - - -	31,419,500	0	0	1,491,546	0	0
„ 4. Army - -	27,760,000	0	0	3,282,366	0	0
„ 4. Army (Ordnance Factories) - - -	100	0	0	3,122,000	0	0
£	59,179,600	0	0	7,895,912	0	0
„ 5. Civil Services, Class I. -	2,868,832	0	0	101,733	0	0
„ 6. Ditto, Class II. -	2,884,032	0	0	599,668	0	0
„ 7. Ditto, Class III. -	3,922,426	0	0	789,737	0	0
„ 8. Ditto, Class IV. -	17,706,237	0	0	26,255	0	0
„ 9. Ditto, Class V. -	2,081,405	0	0	153,130	0	0
„ 10. Ditto, Class VI. -	837,997	0	0	116	0	0
„ 11. Ditto, Class VII. -	522,134	0	0	5,550	0	0
„ 12. Earl of Cromer - - -	50,000	0	0	—		
Total, Civil Services - £	30,873,063	0	0	1,676,189	0	0
13. Revenue Departments, &c. £	20,625,751	0	0	451,570	0	0
Grand Total - - £	110,750,129	0	0	10,025,301	0	0

SCHED. (A.)

SCHEDULE (A.)

GRANT OUT OF THE CONSOLIDATED FUND.

	£	s.	d.
For the service of the year ended on the 31st March 1907 :—			
Under Act 7 Edw. 7. c. 1. - - - -	71,715	0	0
For the service of the year ending on 31st March 1908 :—			
Under Act 7 Edw. 7. c. 1. - - - -	38,114,700		0
Under this Act - - - - - -	72,563,714	0	0
TOTAL - - - -	£ 110,750,129		0

SCHED. (B.) PART 1.

SCHEDULE (B.)—PART 1.

ARMY SUPPLEMENTARY, 1906–1907.

Army Supplementary, 1906-1907.

SUM granted to meet additional expenditure in respect of the following Army Services for the year ended on the 31st day of March 1907, viz. :—

	£	s.	d.
Vote 5.—Volunteer Corps, Pay, Allowances, &c. -	439,000	0	0
Vote 12.—Miscellaneous Effective Services - - -	20,000	0	0
	£ 459,000	0	0
Less Surpluses on other Votes - - -	458,900	0	0
	£ 100	0	0

SCHEDULE (B.)—PART 2.

CIVIL SERVICES (SUPPLEMENTARY), 1906–1907.

SCHEDULE of SUPPLEMENTARY SUMS granted to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1907; viz.:—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL SERVICES.		
CLASS I.	£	£
For the Royal Parks and Pleasure Gardens	2,300	—
For Houses of Parliament Buildings	11,900	—
CLASS II.		
For the salaries and expenses in the Offices of the House of Commons	1,550	1,630
For the salaries and expenses of the Offices of the Chief Secretary in Dublin and London, and expenses under the Inebriates Acts	255	—
CLASS III.		
For such of the salaries and expenses of the Supreme Court of Judicature as are not charged upon the Consolidated Fund	2,000	—
For the salaries and expenses of the Establishment of the Crofters' Commission	140	—
CLASS IV.		
For grants towards the expenditure of certain School Boards in Scotland	11,000	—
CLASS V.		
For sundry Colonial Services, including certain Grants in Aid	32,470	—
CLASS VII.		
For the salaries and other expenses of Temporary Commissions, Committees, and Special Inquiries	10,000	
TOTAL £	71,615	1,630

SCHED. (B.) PART 3. Navy.

SCHEDULE (B.)—PART 3.

NAVY.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the NAVY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1908; viz.:—

No.		Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
		£	£
1.	For wages, &c. to 128,000 officers, seamen, and boys, coastguard, and Royal marines -	6,869,700	136,712
2.	For victualling and clothing for the navy, including the cost of victualling establishments at home and abroad - - -	1,996,400	444,817
3.	For medical services, including the cost of medical establishments at home and abroad	268,700	19,156
4.	For martial law, including the cost of naval prisons at home and abroad - -	14,200	95
5.	For educational services - - -	172,500	64,331
6.	For scientific services - - -	65,100	25,180
7.	For the royal naval reserve, the royal fleet reserve (including seamen pensioner reserve), and the royal naval volunteers, &c. -	418,300	8,218
8.	Sect. 1. For the personnel for shipbuilding, repairs, maintenance, &c., including the cost of establishments of dockyards and naval yards at home and abroad - - -	2,549,900	21,800
„	Sect. 2. For the matériel for shipbuilding, repairs, maintenance, &c., including the cost of establishments of dockyards and naval yards at home and abroad - -	3,035,200	385,000
„	Sect. 3. For contract work for shipbuilding, repairs, &c. - - - - -	7,646,000	137,000
9.	For naval armaments - - - -	2,348,700	160,000
10.	For works, buildings, and repairs at home and abroad, including the cost of superintendence, purchase of sites, grants in aid, and other charges connected therewith -	2,758,400	34,000
11.	For various miscellaneous effective services -	401,000	13,437
12.	For the Admiralty Office - - -	364,600	8,750
13.	For half-pay, reserved and retired pay to officers of the navy and marines - -	837,900	12,875
14.	For naval and marine pensions, gratuities, and compassionate allowances - -	1,202,000	19,745
15.	For civil pensions and gratuities - -	370,900	430
	TOTAL NAVY SERVICES - - £	31,419,500	1,491,546

SCHEDULE (B.)—Part 4.

Sched. (B.) Part 4.

ARMY.

Army.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the Army Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1908; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the pay, &c. of His Majesty's Army (including Army Reserve to a number not exceeding 129,000) at home and abroad (exclusive of India)	9,835,000	1,058,000
2.	For the pay, &c. of the medical establishments and for medicines, &c.	460,000	1,800
3.	For the pay, bounty, &c. of the militia (to a number not exceeding 139,418, including 7,700 militia reserve)	840,000	7,000
4.	For the pay and allowances of the Imperial yeomanry, including the permanent staff	410,000	1,000
5.	For grants, allowances, and miscellaneous charges of volunteer corps, including the permanent staff	1,152,000	30,000
6.	For quartering, transport and remounts	1,909,000	55,000
7.	For supplies and clothing	4,060,000	384,400
8.	For the Ordnance Department establishments and for general stores	620,000	206,000
9.	For armaments and engineer stores, including technical committees	1,671,000	396,000
10.	For barrack construction, for purchases of land, and for works, buildings, and repairs at home and abroad, including staff in connection therewith	2,436,000	105,740
11.	For establishments for military education	137,000	66,800
12.	For miscellaneous effective services	67,000	1,000
13.	For the War Office and Army Accounts Department	567,000	250
14.	For rewards, half-pay, retired pay, widows' pensions, and other non-effective charges for officers	1,714,000	476,568
15.	For Chelsea and Kilmainham hospitals; for out-pensions; for rewards for distinguished services; for widows' pensions; and for other non-effective charges for warrant officers, non-commissioned officers, and men, &c.	1,709,000	492,782
16.	For civil superannuation, compensation, compassionate allowances, and gratuities, and for payments under the Workmen's Compensation Act	173,000	26
	Total Army Services £	27,760,000	3,282,366

SCHED. (B.) PART 4. Army.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
ARMY (ORDNANCE FACTORIES):	£	£
For the ordnance factories, the cost of productions of which is charged to the army, navy, and Indian and Colonial Governments -	100	3,122,000
TOTAL ARMY SERVICES (INCLUDING ORDNANCE FACTORIES) - - £	27,760,100	6,404,366

SCHED. (B.) PART 5.

SCHEDULE (B.)—PART 5.

Civil Services, Class I.

CIVIL SERVICES.—CLASS I.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1908; viz.:—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.	£	£
1. For expenditure in respect of royal palaces -	63,400	1,607
2. For expenditure in respect of Osborne - -	14,100	2,600
3. For the royal parks and pleasure gardens - -	141,000	8,936
4. For expenditure in respect of the Houses of Parliament buildings (including a Supplementary sum of 5,700*l.*) - - -	58,100	350
4A. For the execution and erection of a monument in the Collegiate Church of St. Peter, Westminster, to the memory of the late Right Honourable the Marquess of Salisbury - -	2,100	—
5. For expenditure in respect of miscellaneous legal buildings, Great Britain - - -	76,600	710
6. For expenditure in respect of Art and Science buildings, Great Britain - - -	72,400	140
7. For expenditure in respect of diplomatic and consular buildings, and for the maintenance of certain cemeteries abroad - - -	100,700	780
8. For the Customs, Inland Revenue, Post Office, and Post Office Telegraph buildings in Great Britain, and certain Post Offices abroad, including furniture, fuel, and sundry miscellaneous services - - - -	637,000	4,300
9. For expenditure in respect of sundry public buildings in Great Britain not provided for on other votes - - - - -	513,000	20,120
10. For the survey of the United Kingdom, and for minor services connected therewith -	208,905	26,150

SCHED. (B.) PART 5. Civil Services. Class I.

No.		Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
		£	£
11.	For maintaining certain harbours under the Board of Trade and for grants in aid of harbours - - - - - -	31,740	2,600
12.	For constructing a new harbour of refuge at Peterhead - - - - -	31,988	—
13.	For rates and contributions in lieu of rates, &c., in respect of Government property, and for rates on houses occupied by representatives of Foreign Powers, and for salaries and expenses of the Rating of Government property department, and for a contribution towards the expenses of the London Fire Brigade -	638,700	26,580
14.	For the erection, repairs, and maintenance of public buildings in Ireland, for the maintenance of certain parks and public works, and for the maintenance of drainage works on the River Shannon - - - -	217,829	6,860
15.	For payments under the Tramways and Public Companies (Ireland) Act, 1883, &c., the Tramways (Ireland) Act, 1895, the Railways (Ireland) Act, 1896, and the Marine Works (Ireland) Act, 1902 - - - -	61,270	—
	TOTAL CIVIL SERVICES, CLASS I. - £	2,868,832	101,733

SCHEDULE (B.)—PART 6.

SCHED. (B.) PART 6.

CIVIL SERVICES.—CLASS II.

Civil Services. Class II.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1908 ; viz. :—

No.		Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
		£	£
1.	For the salaries and expenses of the offices of the House of Lords - - - -	27,543	15,000
2.	For the salaries and expenses in the offices of the House of Commons - - - -	42,800	17,450
3.	For the salaries and other expenses of the department of His Majesty's Treasury and subordinate departments, including expenses in respect of advances under the Light Railways Act, 1896 - - - -	100,919	3,724
4.	For the salaries and expenses of the office of His Majesty's Secretary of State for the Home Department and subordinate offices -	198,735	9,700

SCHED. (B.) PART 6. Civil Services. Class II.

No.		Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
		£	£
5.	For the salaries and expenses of the department of His Majesty's Secretary of State for Foreign Affairs	64,698	600
6.	For the salaries and expenses of the department of His Majesty's Secretary of State for the Colonies, including a grant in aid of certain expenses connected with Emigration (including a Supplementary sum of 2,200*l.*)	62,900	—
7.	For the salaries and expenses of the department of His Majesty's Most Honourable Privy Council	11,120	1,918
8.	For the salaries and expenses of the office of the Committee of Privy Council for Trade, and subordinate departments	274,484	8,785
9.	For the salaries and expenses of certain services transferred from the Mercantile Marine Fund and other services connected with the Mercantile Marine (including Merchant Seamen's Fund Pensions)	104,816	56,950
10.	For meeting the deficiency of income from fees, &c. for the requirements of the Board of Trade, under the Bankruptcy Acts, 1883 and 1890, and the Companies (Winding-up) Act, 1890	2,008	130,684
11.	For the salaries and expenses of the Board of Agriculture and Fisheries and of Royal Botanic Gardens, Kew, including certain grants in aid	137,840	31,250
12.	For the salaries and expenses of the Charity Commission for England and Wales	30,892	—
13.	For the salaries and expenses of the Civil Service Commission	40,750	—
14.	For the salaries and expenses of the department of the Comptroller and Auditor-General	64,400	7,978
15.	For the salaries and expenses of the Registry of Friendly Societies	8,624	—
16.	For the salaries and expenses of the Local Government Board	232,782	5,300
17.	For the salaries and expenses of the office of the Commissioners in Lunacy in England	15,905	962
18.	For the salaries and expenses of the Mint, including the expenses of coinage	46	138,800
19.	For the salaries and expenses of the National Debt Office	14,153	2,810
20.	For the salaries and expenses of the Public Record Office and of the Office of Land Revenue Records and Inrolments	24,190	—
21.	For the salaries and expenses of the establishment under the Public Works Loan Commissioners	2,000	9,428
22.	For the salaries and expenses of the department of the Registrar General of Births, &c. in England	40,994	8,720
23.	For stationery, printing, paper, binding, and printed books, for the public service, for the salaries and expenses of the Stationery Office, and for sundry miscellaneous services, including reports of Parliamentary Debates	748,053	115,000

SCHED. (B.) PART 6. Civil Services. Class II.

No.		Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
		£	£
24.	For the salaries and expenses in the office of His Majesty's Woods, Forests, and Land Revenues	21,398	—
25.	For the salaries and expenses of the office of the Commissioners of His Majesty's Works and Public Buildings	86,596	—
26.	For His Majesty's foreign and other secret services	50,000	—
27.	For the salaries and expenses of the office of His Majesty's Secretary for Scotland and subordinate office, expenses under the Inebriates Acts, 1879 to 1900, and expenses under the Private Legislation Procedure (Scotland) Act, 1899, including a grant in aid of the Congested Districts (Scotland) Fund	36,086	2,650
28.	For the salaries and expenses of the Fishery Board for Scotland, and for grants in aid of piers or quays	17,641	—
29.	For the salaries and expenses of the Board of Lunacy in Scotland	6,299	525
30.	For the salaries and expenses of the department of the Registrar General of Births, &c. in Scotland	4,478	750
31.	For the salaries and expenses of the Local Government Board for Scotland	15,887	—
32.	For the salaries and expenses of the household of the Lord Lieutenant of Ireland	4,632	—
33.	For the salaries and expenses of the offices of the Chief Secretary to the Lord Lieutenant of Ireland, in Dublin and London, and of the Inspectors of Lunatic Asylums, and expenses under the Inebriates Acts	27,756	290
34.	For the salaries and expenses of the department of agriculture and other industries, and technical instruction for Ireland, and of the services administered by that department, including sundry grants in aid	203,817	1,340
35.	For the salaries and expenses of the office of the Commissioners of Charitable Donations and Bequests for Ireland	2,051	34
36.	For the salaries and expenses of the Local Government Board in Ireland	76,411	16,000
37.	For the salaries and expenses of the Public Record Office in Ireland and of the Keeper of State Papers in Dublin	5,580	—
38.	For the salaries and expenses of the Office of Public Works in Ireland	40,568	2,500
39.	For the salaries and expenses of the department of the Registrar General of Births, &c., and for the expenses of collecting emigration statistics in Ireland	12,332	720
40.	For the salaries and expenses of the general valuation and boundary survey of Ireland	21,848	9,800
	TOTAL CIVIL SERVICES, CLASS II. £	2,884,032	599,668

Sched. (B.) Part 7.

SCHEDULE (B.)—Part 7.

Civil Services: Class III.

CIVIL SERVICES.—Class III.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1908; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the salaries of the law officers department, the salaries and expenses of the department of the Solicitor for the affairs of His Majesty's Treasury, King's Proctor, and Director of Public Prosecutions, the costs of prosecutions, of other legal proceedings, and of Parliamentary Agency - - - -	72,774	15,500
2.	For certain miscellaneous legal expenses, including grants in aid of the expenses of the Incorporated Law Societies of England and Ireland - - - - - -	49,944	12,731
3.	For such of the salaries and expenses of the Supreme Court of Judicature as are not charged on the Consolidated Fund - -	317,556	56,000
4.	For the salaries and expenses of the office of Land Registry - - - - -	38,813	—
5.	For the salaries and expenses connected with the County Courts - - - - -	5	495,760
6.	For the salaries of the Commissioner and Assistant Commissioners of the Metropolitan Police, and of the Receiver for the Metropolitan Police District, the pay and expenses of officers of Metropolitan Police employed on special duties, and the salaries and expenses of the Inspectors of Constabulary - -	40,036	66
7.	For the expenses of the prisons in England, Wales, and the Colonies - - - -	727,605	22,500
8.	For the salaries and expenses of the office of the Inspector of Reformatories and for the maintenance of juvenile offenders in reformatory, industrial, and day industrial schools and under the Youthful Offenders Act, in Great Britain - - - - - -	257,105	29,000
9.	For the maintenance of criminal lunatics in Broadmoor Criminal Lunatic Asylum -	36,128	1,132
10.	For the salaries and expenses of the Lord Advocate's department and other law charges, and the salaries and expenses of the Courts of Law and Justice in Scotland - -	80,706	47,900

SCHED. (B.) PART 7. Civil Services, Class III.

No.		Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
		£	£
11.	For the salaries and expenses of the offices in His Majesty's General Register House, Edinburgh	42,700	—
12.	For the salaries and expenses of the Establishment of the Crofters' Commission	4,545	—
13.	For the salaries and expenses of the Prison Commissioners for Scotland, and of the prisons under their control, including the maintenance of criminal lunatics and inmates of the State inebriate reformatory, and the preparation of judicial statistics	88,650	5,250
14.	For criminal prosecutions and other law charges in Ireland	62,872	390
15.	For such of the salaries and expenses of the Supreme Court of Judicature and of certain other legal departments in Ireland as are not charged on the Consolidated Fund	102,086	2,100
16.	For the salaries and expenses of the office of the Irish Land Commission	239,050	11,400
17.	For the salaries, allowances, and expenses of various county court officers, and of magistrates in Ireland, and the expenses of revision	111,298	4,900
18.	For the salaries and expenses of the Commissioner of Police, the police courts and metropolitan police establishment of Dublin	96,985	54,445
19.	For the expenses of the Royal Irish Constabulary	1,321,499	25,713
20.	For the expenses of the General Prisons Board in Ireland, and of the establishments under their control; the registration of habitual criminals and the maintenance of criminal lunatics confined in district lunatic asylums	114,556	3,300
21.	For the expenses of reformatory and industrial schools and under the Youthful Offenders Act, 1901, in Ireland	110,251	1,650
22.	For the maintenance of criminal lunatics in Dundrum Criminal Lunatic Asylum, Ireland	7,262	—
	TOTAL CIVIL SERVICES, CLASS III. - £	3,922,426	789,737

SCHED. (B.) PART 8.

SCHEDULE (B.)—PART 8.

Civil Services. Class IV.

CIVIL SERVICES.—CLASS IV.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1908; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the salaries and expenses of the Board of Education, and of the various establishments connected therewith, including grants for the Building of New Public Elementary Schools and sundry grants in aid (including a Supplementary sum of 200,000*l.* for grants towards expenditure on Public Elementary Schools in England and Wales) - - -	13,793,646	7,725
2.	For the salaries and other expenses of the British Museum, and of the Natural History Museum, including certain grants in aid -	171,041	9,150
3.	For the salaries and expenses of the National Gallery, and of the National Gallery of British Art, Millbank, including a grant in aid for the purchase of pictures - -	17,233	1,800
4.	For the salaries and expenses of the National Portrait Gallery, including a grant in aid for the purchase of portraits - - -	5,897	—
5.	For the salaries and expenses of the Wallace Collection - - - - -	6,454	680
6.	For sundry grants in aid of scientific investigation, &c., and other grants - - -	54,479	—
7.	For grants in aid of the expenses of certain Universities and Colleges in Great Britain and of the expenses under the Welsh Intermediate Education Act, 1889 - - -	201,400	—
8.	For public education in Scotland, and for Science and Art in Scotland, including a grant in aid (including a Supplementary sum of 11,000*l.* for grants towards the expenditure of certain School Boards in Scotland) -	2,033,554	—
9.	For the Salaries and Expenses of the National Gallery, the Scottish National Portrait Gallery, and the Museum of Antiquities, including certain grants in aid - - -	5,416	—
10.	For the expenses of the Commissioners of National Education in Ireland, including a grant in aid of the Teachers Pension Fund, Ireland - - - - -	1,408,360	150
11.	For the expenses of the Office of the Commissioners for managing certain school endowments in Ireland - - - -	910	—
12.	For the salaries and expenses of the National Gallery of Ireland, including a grant in aid for the purchase of pictures - - -	3,147	—
13.	For a grant in aid of the expenses of the Queen's Colleges in Ireland - - -	4,700	6,750
	TOTAL CIVIL SERVICES, CLASS IV. - £	17,706,237	26,255

SCHEDULE (B.)—PART 9.

SCHED. (B.) PART 9.

CIVIL SERVICES.—CLASS V.

Civil Services. Class V.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1908; viz.:—

No.		Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
		£	£
1.	For the expenses in connection with His Majesty's embassies, missions, and consular establishments abroad, and other expenditure chargeable to the Consular Vote - -	569,340	95,230
2.	For sundry colonial services, including certain grants in aid (including a grant in aid of the Jamaica Earthquake Relief of 150,000*l.*, and a Supplementary sum of 132,690*l.*) - -	1,410,289	—
3.	For the subsidies to certain Telegraph Companies, and a grant in aid of the annual expenses of the Pacific Cable - - - -	51,776	57,900
4.	For a grant in aid of the Revenue of the Island of Cyprus - - - - -	50,000	—
	TOTAL CIVIL SERVICES, CLASS V. - £	2,081,405	153,130

SCHEDULE (B.)—PART 10.

SCHED. (B.) PART 10.

CIVIL SERVICES.—CLASS VI.

Civil Services. Class VI.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1908; viz.:—

No.		Sums not exceeding: Supply Grants.	Sums not exceeding: Appropriations in Aid.
		£	£
1.	For superannuation, compensation, and compassionate allowances and gratuities under sundry Statutes, for compassionate allowances and gratuities awarded by the Treasury; and for the salaries of medical referees - - - - -	673,400	—

SCHED. (B.) PART 10.
Civil Services. Class VI.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.	£	£
2. For certain miscellaneous charitable and other allowances - - - - -	1,518	—
3. For hospitals and infirmaries and certain miscellaneous charitable and other allowances in Ireland, including sundry grants in aid -	17,139	116
4. For making good deficiencies on the Income Accounts of the Funds for Trustee Savings Banks, Friendly Societies, and Post Office Savings Banks - - - - -	145,940	—
TOTAL CIVIL SERVICES, CLASS VI. £	837,997	116

SCHED. (B.) PART 11.

SCHEDULE (B.)—PART 11.

Civil Services. Class VII.

CIVIL SERVICES.—CLASS VII.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1908; viz.:—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.	£	£
1. For the salaries and other expenses of temporary commissions, committees, and special inquiries - - - - -	64,000	—
2. For certain miscellaneous expenses - - -	54,094	5,550
3. For making good certain sums written off from the assets of the Local Loans Fund - -	4,601	—
4. For the Ireland Development Grant (Grant in Aid) - - - - - -	185,000	—
5. For Contributions in Aid of Expenses under the Unemployed Workmen Act, 1905 - -	200,000	—
6. For the repayment to the Civil Contingencies Fund of certain miscellaneous advances -	14,439	—
TOTAL CIVIL SERVICES, CLASS VII. £	522,134	5,550

SCHEDULE (B.)—Part 12.

Sched. (B.) Part 12.

EARL OF CROMER.

Grant to Earl of Cromer.

Grant to the Earl of Cromer, O.M., G.C.B., G.C.M.G., K.C.S.I., C.I.E., in recognition of his eminent Services as Agent and Consul-General in Egypt - - - - £ 50,000

SCHEDULE (B.)—Part 13.

Sched. (B.) Part 13.

REVENUE DEPARTMENTS, &c.

Revenue Departments, &c.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Revenue Departments, &c. herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1908; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the salaries and expenses of the Customs Department - - - - -	958,700	55,700
2.	For the salaries and expenses of the Inland Revenue Department - - -	2,299,300	17,000
3.	For the salaries and expenses of the Post Office, including Telegraphs - - - -	17,367,751	378,870
	Total Revenue Departments - £	20,625,751	451,570

SCHED. (C.) Navy Services.

SCHEDULE (C.)

Number of Vote.	NAVY SERVICES, 1905–6.	Surpluses.	Deficits made good from Surpluses.
		£ s. d.	£ s. d.
1	Wages, &c., of officers, seamen, and boys, coast guard, and Royal Marines	—	163,909 1 8
2	Victualling and clothing for the Navy	18,072 14 10	—
3	Medical establishments and services	12,042 10 4	—
4	Martial law	720 19 6	—
5	Educational services	10,824 8 0	—
6	Scientific services	—	3,782 10 4
7	Royal Naval Reserves	35,539 13 0	—
8	Shipbuilding, repairs, maintenance, &c. :		
	I. Personnel	63,015 9 2	—
	II. Matériel	11,824 16 1	—
	III. Contract work	46,417 6 4	—
9	Naval armaments	127,868 17 7	—
10	Works, buildings, and repairs, at home and abroad	103,664 13 1	—
11	Miscellaneous effective services	17,471 4 2	—
12	Admiralty Office	—	5,800 14 1
13	Half pay, reserved and retired pay	—	31,897 17 8
14	Naval and marine pensions, gratuities, and compassionate allowances	4,802 6 3	—
15	Civil pensions and gratuities	—	9,550 10 4
—	Amount written off as irrecoverable	—	2,565 5 1
	Total	455,264 18 4	217,505 19 2
	NET SURPLUS	£237,758 19 2	

SCHEDULE (C.)

SCHED. (C.) Army Services.

Number of Vote.	ARMY SERVICES, 1905-6.	Surpluses.	Deficits made good from Surpluses.
		£ s. d.	£ s. d.
1	Pay, &c., of Army - - -	256,166 18 10	—
2	Medical Establishment: Pay, &c.	25,504 11 11	—
3	Militia: Pay, bounty, &c. - -	66,162 14 8	—
4	Imperial Yeomanry: Pay and Allowances - - - -	40,604 8 11	—
5	Volunteer corps: Pay and Allowances - - - - -	—	613 19 1
6	Quarterings, transport and remounts - - - - -	187,279 4 7	—
7	Supplies and clothing - -	415,222 14 10	—
8	Ordnance department establishments and general stores - -	122,089 1 7	—
9	Armaments and engineer stores -	100,865 18 11	—
10	Works and buildings - - -	155,563 4 9	—
11	Establishments for military Education - - - -	7,038 12 2	—
12	Miscellaneous effective services -	7,910 10 0	—
13	War Office and army accounts department - - - - -	—	3,936 14 1
14	Non-effective charges for officers, &c. - - - - -	11,597 0 8	—
15	Non-effective charges for men, &c.	—	41,452 12 3
16	Civil superannuation, compensation, compassionate allowances, and gratuities - - -	—	6,428 3 9
—	Balances irrecoverable - -	—	9,436 14 10
	Total - - -	1,396,005 1 10	61,868 4 0
	NET SURPLUS - -	£1,334,136 17 10	

CHAPTER 21.

An Act to make further provision with respect to the Manufacture, Importation, and Sale of Butter and Margarine and similar Substances.

[21st August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Registration of factories and consignments. 50 & 51 Vict. c. 29. 62 & 63 Vict. c. 51.

1.—(1) The provisions of section nine of the Margarine Act, 1887, as amended by section seven of the Sale of Food and Drugs Act, 1899, relating to the registration of manufactories of margarine, shall, with the necessary adaptations, apply to—

(*a*) Butter factories, that is to say, any premises on which by way of trade butter is blended, reworked, or subjected to any other treatment, but not so as to cease to be butter; and

(*b*) Any premises on which there is manufactured any milk-blended butter (that is to say, any mixture produced by mixing or blending butter with milk or cream other than condensed milk or cream) or on which there is carried on the business of a wholesale dealer in milk-blended butter.

(2) The provisions of section seven of the Sale of Food and Drugs Act, 1899, relating to registers of consignments of margarine, shall, with the necessary adaptations, apply to consignments of milk-blended butter.

(3) Premises shall not be used as a butter factory if they form part of or communicate, otherwise than by a public street or road, with any other premises which are required to be registered under the Sale of Food and Drugs Acts or under paragraph (*b*) of this section, and if any premises are so used the occupier thereof shall be guilty of an offence under this Act, and the local authority shall remove from the register of butter factories kept by them any premises used as a butter factory contrary to this provision:

Provided that this subsection shall not apply to premises which on the first day of January one thousand nine hundred and seven were being used as a butter factory and formed part of or communicated with premises which were then registered under the Sale of Food and Drugs Acts, if and so long as the Board of Agriculture and Fisheries so direct.

Inspection of factories

2.—(1) Any officer of the Board of Agriculture and Fisheries or of the Local Government Board shall have power to enter at all reasonable times any premises registered under the Sale of Food and Drugs Acts or this Act, and to inspect any process of manufacture, blending, reworking, or treatment used therein, and to take samples for analysis of any butter, margarine, margarine cheese, milk-blended butter, or of any article capable of being used in the manufacture, treatment, or adulteration of any such article as aforesaid.

(2) An officer of a local authority who is authorised to procure samples under the Sale of Food and Drugs Acts shall, if specially authorised in that behalf by the local authority, have the like powers of entry, inspection, and sampling as regards any premises registered with the authority as a butter factory.

(3) If the Board of Agriculture and Fisheries have reason to believe—

(*a*) that on any unregistered premises there is carried on any process of manufacture, blending, reworking, or treatment or any wholesale dealing which under the Sale of Food and Drugs Acts or this Act cannot be carried on except on registered premises; or

(*b*) that on any premises butter is by way of trade either made or stored, and that for the purposes of those Acts inspection is desirable,

the Board may specially authorise any officer of the Board to enter the premises, and in such case the officer shall have the like powers of entry, inspection, and sampling as if the premises were registered.

(4) Where under this section a special authority is required, an officer of the Board or of a local authority shall not be entitled to exercise any of his powers under this section unless, if so requested by or on behalf of the occupier of the premises to be entered, he produces his authority.

(5) Subsection (2) of section seven of the Sale of Food and Drugs Act, 1899, is hereby repealed.

Prohibition of adulterants in butter factories.

3. If any substance intended to be used for the adulteration of butter is found in any butter factory, the occupier of the factory shall be guilty of an offence under this Act, and if any oil or fat capable of being so used is found it shall be deemed to be intended to be so used, unless the contrary is proved. – Penalties under ss 147 Act 1875 and 27 to be applied where, on this same limit by sec 19 7 act 1899 applies. Monro v Cent. Creameries – 1912 1 KB 578.

Limit of moisture in butter, margarine, and milk-blended butter.

4.—(1) If any butter which, when prepared for sale or consignment, contains more than sixteen per cent. of water is in any butter factory, or if any margarine which, when prepared for sale or consignment, contains more than sixteen per cent. of water is in any margarine factory, or if any such butter or margarine is consigned from a butter factory or margarine factory, the occupier of the factory or consignor, as the case may be, shall (whether the excess of moisture is due to adulteration or not) be guilty of an offence under this Act, unless the occupier or consignor proves to the satisfaction of the court that the butter or margarine was not made, blended, reworked, or treated in the factory.

(2) Any person who manufactures, sells, or exposes or offers for sale, or has in his possession for the purpose of sale, any milk-blended butter which contains more than twenty-four per cent. of water, shall be guilty of an offence under this Act.

Provisions as to the importation of butter, margarine, and milk-blended butter.

5.—(1) There shall be included in the list of articles importation of which is made an offence by section one of the Sale of Food and Drugs Act, 1899, the following articles:—

(*e*) Butter containing more than sixteen per cent. of water;

(*f*) Margarine containing more than sixteen per cent. of water, or more than ten per cent. of butter fat;

(*g*) Milk-blended butter containing more than twenty-four per cent. of water;

(*h*) Milk-blended butter, except in packages conspicuously marked with such name as may be approved by the Board of Agriculture and Fisheries for the purpose;

(*j*) Butter, margarine, or milk-blended butter which contains a preservative prohibited by any regulation made under this Act, or an amount of a preservative in excess of the limit allowed by any such regulation;

and in the said section the words "adulterated or impoverished butter (other than margarine) or", and the words "butter or" shall be repealed.

(2) The maximum fine for an offence under the said section one, as amended by this section, shall, where the article in respect of which the offence was committed is butter, margarine, margarine cheese, or milk-blended butter, be either such as is provided in the said section one, or, at the election of the Commissioners of Customs, a fine equal to the value of the goods imported bearing the same mark or description, to be estimated and taken according to the rate and price for which goods of the like kind but of the best quality were sold at or about the time of the importation.

(3) In any proceeding under the said section one as amended by this section the certificate of the principal chemist of the Government Laboratories, or, if the person who made the analysis be called as a witness, the evidence of that person, that an imported substance is margarine or milk-blended butter shall raise a presumption, until the contrary is proved, that the substance is margarine or milk-blended butter, and the defendant shall not be entitled to require the person who made the analysis to be called as a witness unless he shall, at least three clear days before the return day, give notice to the prosecutor that he requires his attendance, and deposit with the prosecutor a sum sufficient to cover the reasonable costs and expenses of his attendance, which costs and expenses shall be paid by the defendant in the event of his conviction.

(4) Where a sample taken under the said section one as amended by this section is certified by the principal chemist to be margarine or milk-blended butter the Commissioners of Customs shall upon receiving the certificate forthwith notify the importer thereof.

Regulations as to milk-solids in butter.

6. The power of making regulations under section four of the Sale of Food and Drugs Act, 1899, shall extend to making regulations as to the proportion of any milk-solid other than milk-fat in any sample of butter or milk-blended butter.

Regulations as to preservatives.

7.—(1) The Local Government Board may, after such inquiry as they deem necessary, make regulations for prohibiting the use as a preservative of any substance specified in such regulations in the manufacture or preparation for sale of butter, margarine, or milk-blended butter, or for limiting the extent to which, either generally or as regards any particular substance

or substances, preservatives may be used in the manufacture or preparation for sale of butter, margarine, or milk-blended butter.

(2) Any regulations made under this section shall be notified in the London, Edinburgh, or Dublin Gazette as the case may require, and shall also be made known in such other manner as the Local Government Board may direct.

(3) Any person who manufactures, sells, or exposes or offers for sale, or has in his possession for the purpose of sale, any butter, margarine, or milk-blended butter which contains a preservative prohibited by a regulation under this section or an amount of a preservative in excess of the limit allowed by any such regulation, shall be guilty of an offence under this Act.

Marking of wrappers, &c., used in connection with margarine.

8. If in any wrapper enclosing margarine, or on any package containing margarine, or on any label attached to a parcel of margarine, or in any advertisement or invoice of margarine a person dealing in margarine describes it by any name other than either "margarine," or a name combining the word "margarine" with a fancy or other descriptive name approved by the Board of Agriculture and Fisheries and printed in type not larger than and in the same colour as the word "margarine," he shall be guilty of an offence under this Act.

Regulation of sale of milk-blended butter.

9.—(1) Milk-blended butter shall be dealt with under such name or names as may be approved by the Board of Agriculture and Fisheries and under the conditions applicable to the sale or description of margarine, with the substitution of an approved name for the word "margarine," and with this modification, that, in any case where, in order to comply with those conditions, the article is delivered to the purchaser in a wrapper, there shall, in addition to the approved name, be printed on the wrapper in such manner as the Board approve such description of the article, setting out the percentage of moisture or water contained therein, as may be approved by the Board.

(2) Milk-blended butter, whenever forwarded by any public conveyance, shall be duly consigned under the name which, as respects the article consigned, has been approved by the Board under this section; subject to this modification, section eight of the Margarine Act, 1887, shall apply to milk-blended butter in like manner as it applies to margarine.

(3) If any person deals with, sells, or exposes or offers for sale, or has in his possession for the purpose of sale, or describes any milk-blended butter contrary to the provisions of this section, he shall be guilty of an offence under this Act, but any defence which would be a defence under section seven of the Margarine Act, 1887, as respects margarine, shall be a defence under this section as respects milk-blended butter.

Names of margarine, &c.

10. A name shall not be approved by the Board of Agriculture and Fisheries for use in connection with margarine if it refers to or is suggestive of butter or anything connected with the dairy

interest, nor shall such a name be approved as a name under which milk-blended butter may be imported or dealt with.

Penalties for offences.

11.—(1) Any person guilty of an offence under this Act shall be liable on conviction under the Summary Jurisdiction Acts for a first offence to a fine not exceeding twenty pounds and for a second offence to a fine not exceeding fifty pounds and for a third or any subsequent offence to a fine not exceeding one hundred pounds, and in cases where imprisonment can be inflicted under section seventeen of the Sale of Food and Drugs Act, 1899, to such imprisonment as is by that section authorised.

(2) Section five of the Margarine Act, 1887 (which exempts employers from liability in certain cases), and section eleven of the same Act (which relates to the appropriation of penalties), and section twelve of the same Act (which relates to proceedings under that Act), shall apply to proceedings under this Act, with the substitution of references to this Act for references to the Margarine Act, 1887.

Amendment of s. 8 of Margarine Act, 1887.

12. Except in the Administrative County of London, section eight of the Margarine Act, 1887, shall have effect as if the words "inspector of weights and measures" were inserted after the word "nuisances."

Definition of margarine.

13.—(1) For the purposes of the Sale of Food and Drugs Acts and this Act the expression "margarine" shall mean any article of food, whether mixed with butter or not, which resembles butter and is not milk-blended butter.

(2) The above definition shall be substituted for the definition of margarine in the Margarine Act, 1887.

Short title, construction, and commencement.

14.—(1) This Act may be cited as the Butter and Margarine Act, 1907, and shall be construed as one with the Sale of Food and Drugs Act, 1899, and may be cited with the Sale of Food and Drugs Acts as the Sale of Food and Drugs Acts, 1875 to 1907.

(2) This Act shall come into operation on the first day of January one thousand nine hundred and eight.

CHAPTER 22.

An Act to amend the Law relating to Clerks of Petty Sessions in Ireland. [21st August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extension to assistants of clerks of. 21 & 22 Vict. c. 100. s. 12.

1.—(1) All the provisions of section twelve of the Petty Sessions Clerk (Ireland) Act, 1858, and of any enactment amending the same, with reference to the gratuities or pensions which may be given to petty sessions clerks retiring from office through age or infirmity, shall apply to the assistants of

the clerks of petty sessions at Cork and Belfast appointed or hereafter to be appointed pursuant to the provisions of section ten of the said Act and approved of by the Lord Lieutenant.

(2) The power of making rules conferred on the Lord Lieutenant by section twenty-nine of the said Act shall extend to the making of rules respecting the qualifications, salaries, and appointment of any such assistants hereafter to be appointed and respecting the removal of any such assistants, whether existing or hereafter to be appointed.

2. This Act shall be read and construed as one with the Petty Sessions Clerk (Ireland) Act, 1858, and the Acts amending the same, and may be cited as the Petty Sessions Clerk (Ireland) Amendment Act, 1907. Short title and construction.

CHAPTER 23.

An Act to establish a Court of Criminal Appeal and to amend the Law relating to Appeals in Criminal Cases.

[28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Court of Criminal Appeal.

1.—(1) There shall be a Court of Criminal Appeal, and the Lord Chief Justice of England and eight judges of the King's Bench Division of the High Court, appointed for the purpose by the Lord Chief Justice with the consent of the Lord Chancellor for such period as he thinks desirable in each case, shall be judges of that court. Constitution of Court of Criminal Appeal.

(2) For the purpose of hearing and determining appeals under this Act, and for the purpose of any other proceedings under this Act, the Court of Criminal Appeal shall be summoned in accordance with directions given by the Lord Chief Justice of England with the consent of the Lord Chancellor, and the court shall be duly constituted if it consists of not less than three judges and of an uneven number of judges.

If the Lord Chief Justice so directs, the court may sit in two or more divisions.

The court shall sit in London except in cases where the Lord Chief Justice gives special directions that it shall sit at some other place.

(3) The Lord Chief Justice, if present, and in his absence the senior member of the court, shall be president of the court.

(4) The determination of any question before the Court of Criminal Appeal shall be according to the opinion of the majority of the members of the court hearing the case.

(5) Unless the court direct to the contrary in cases where, in the opinion of the court, the question is a question of law on which it would be convenient that separate judgments should be pronounced by the members of the court, the judgment of the court shall be pronounced by the president of the court or such other member of the court hearing the case as the president of the court directs, and no judgment with respect to the determination of any question shall be separately pronounced by any other member of the court.

(6) If in any case the Director of Public Prosecutions or the prosecutor or defendant obtains the certificate of the Attorney General that the decision of the Court of Criminal Appeal involves a point of law of exceptional public importance, and that it is desirable in the public interest that a further appeal should be brought, he may appeal from that decision to the House of Lords, but subject thereto the determination by the Court of Criminal Appeal of any appeal or other matter which it has power to determine shall be final, and no appeal shall lie from that court to any other court.

(7) The Court of Criminal Appeal shall be a superior court of record, and shall, for the purposes of and subject to the provisions of this Act, have full power to determine, in accordance with this Act, any questions necessary to be determined for the purpose of doing justice in the case before the court.

(8) Rules of court shall provide for securing sittings of the Court of Criminal Appeal, if necessary, during vacation.

(9) Any direction which may be given by the Lord Chief Justice under this section may, in the event of any vacancy in that office, or in the event of the incapacity of the Lord Chief Justice to act from any reason, be given by the senior judge of the Court of Criminal Appeal.

Registrar of the Court of Criminal Appeal.

2. There shall be a Registrar of the Court of Criminal Appeal (in this Act referred to as the Registrar) who shall be appointed by the Lord Chief Justice from among the Masters of the Supreme Court acting in the King's Bench Division, and shall be entitled to such additional salary (if any), and be provided with such additional staff (if any), in respect of the office of Registrar as the Lord Chancellor, with the concurrence of the Treasury, may determine.

The senior Master of the Supreme Court shall be the first registrar.

RIGHT OF APPEAL AND DETERMINATION OF APPEALS.

Right of appeal in criminal cases.

3. A person convicted on indictment may appeal under this Act to the Court of Criminal Appeal—

(*a*) against his conviction on any ground of appeal which involves a question of law alone; and

(*b*) with the leave of the Court of Criminal Appeal or upon the certificate of the judge who tried him that it is a fit case for appeal against his conviction on any ground of appeal which involves a question of fact alone, or a

question of mixed law and fact, or any other ground which appears to the court to be a sufficient ground of appeal; and

(*c*) with the leave of the Court of Criminal Appeal against the sentence passed on his conviction, unless the sentence is one fixed by law.

Determination of appeals in ordinary cases.

4.—(1) The Court of Criminal Appeal on any such appeal against conviction shall allow the appeal if they think that the verdict of the jury should be set aside on the ground that it is unreasonable or cannot be supported having regard to the evidence, or that the judgment of the court before whom the appellant was convicted should be set aside on the ground of a wrong decision of any question of law or that on any ground there was a miscarriage of justice, and in any other case shall dismiss the appeal:

Provided that the court may, notwithstanding that they are of opinion that the point raised in the appeal might be decided in favour of the appellant, dismiss the appeal if they consider that no substantial miscarriage of justice has actually occurred.

(2) Subject to the special provisions of this Act, the Court of Criminal Appeal shall, if they allow an appeal against conviction, quash the conviction and direct a judgment and verdict of acquittal to be entered.

(3) On an appeal against sentence the Court of Criminal Appeal shall, if they think that a different sentence should have been passed, quash the sentence passed at the trial, and pass such other sentence warranted in law by the verdict (whether more or less severe) in substitution therefor as they think ought to have been passed, and in any other case shall dismiss the appeal.

Powers of court in special cases.

5.—(1) If it appears to the Court of Criminal Appeal that an appellant, though not properly convicted on some count or part of the indictment, has been properly convicted on some other count or part of the indictment, the court may either affirm the sentence passed on the appellant at the trial, or pass such sentence in substitution therefor as they think proper, and as may be warranted in law by the verdict on the count or part of the indictment on which the court consider that the appellant has been properly convicted.

(2) Where an appellant has been convicted of an offence and the jury could on the indictment have found him guilty of some other offence, and on the finding of the jury it appears to the Court of Criminal Appeal that the jury must have been satisfied of facts which proved him guilty of that other offence, the court may, instead of allowing or dismissing the appeal, substitute for the verdict found by the jury a verdict of guilty of that other offence, and pass such sentence in substitution for the sentence passed at the trial as may be warranted in law for that other offence, not being a sentence of greater severity.

(3) Where on the conviction of the appellant the jury have found a special verdict, and the Court of Criminal Appeal consider that a wrong conclusion has been arrived at by the court before which the appellant has been convicted on the effect of that verdict, the Court of Criminal Appeal may, instead of allowing the appeal, order such conclusion to be recorded as appears to the court to be in law required by the verdict, and pass such sentence in substitution for the sentence passed at the trial as may be warranted in law.

(4) If on any appeal it appears to the Court of Criminal Appeal that, although the appellant was guilty of the act or omission charged against him, he was insane at the time the act was done or omission made so as not to be responsible according to law for his actions, the court may quash the sentence passed at the trial and order the appellant to be kept in custody as a criminal lunatic under the Trial of Lunatics Act, 1883, in the same manner as if a special verdict had been found by the jury under that Act.

46 & 47 Vict. c. 38.

Re-vesting and restitution of property on conviction. 56 & 57 Vict. c. 71.

6. The operation of any order for the restitution of any property to any person made on a conviction on indictment, and the operation, in case of any such conviction, of the provisions of subsection (1) of section twenty-four of the Sale of Goods Act, 1893, as to the re-vesting of the property in stolen goods on conviction, shall (unless the court before whom the conviction takes place direct to the contrary in any case in which, in their opinion, the title to the property is not in dispute) be suspended—

(*a*) in any case until the expiration of ten days after the date of the conviction; and

(*b*) in cases where notice of appeal or leave to appeal is given within ten days after the date of conviction, until the determination of the appeal;

and in cases where the operation of any such order, or the operation of the said provisions, is suspended until the determination of the appeal, the order or provisions, as the case may be, shall not take effect as to the property in question if the conviction is quashed on appeal. Provision may be made by rules of court for securing the safe custody of any property, pending the suspension of the operation of any such order or of the said provisions.

(2) The Court of Criminal Appeal may by order annul or vary any order made on a trial for the restitution of any property to any person, although the conviction is not quashed; and the order, if annulled, shall not take effect, and, if varied, shall take effect as so varied.

PROCEDURE.

Time for appealing.

7.—(1) Where a person convicted desires to appeal under this Act to the Court of Criminal Appeal, or to obtain the leave of that court to appeal, he shall give notice of appeal or notice

of his application for leave to appeal in such manner as may be directed by rules of court within ten days of the date of conviction: Such rules shall enable any convicted person to present his case and his argument in writing instead of by oral argument if he so desires. Any case or argument so presented shall be considered by the court.

Except in the case of a conviction involving sentence of death, the time, within which notice of appeal or notice of an application for leave to appeal may be given, may be extended at any time by the Court of Criminal Appeal.

(2) In the case of a conviction involving sentence of death or corporal punishment—

(*a*) the sentence shall not in any case be executed until after the expiration of the time within which notice of appeal or of an application for leave to appeal may be given under this section; and

(*b*) if notice is so given, the appeal or application shall be heard and determined with as much expedition as practicable, and the sentence shall not be executed until after the determination of the appeal, or, in cases where an application for leave to appeal is finally refused, of the application.

Judge's notes and report to be furnished on appeal.

8. The judge or chairman of any court before whom a person is convicted shall, in the case of an appeal under this Act against the conviction or against the sentence, or in the case of an application for leave to appeal under this Act, furnish to the Registrar, in accordance with rules of court, his notes of the trial; and shall also furnish to the Registrar in accordance with rules of court a report giving his opinion upon the case or upon any point arising in the case.

Supplemental powers of court.

9. For the purposes of this Act, the Court of Criminal Appeal may, if they think it necessary or expedient in the interest of justice,—

(*a*) order the production of any document, exhibit, or other thing connected with the proceedings, the production of which appears to them necessary for the determination of the case; and

(*b*) if they think fit order any witnesses who would have been compellable witnesses at the trial to attend and be examined before the court, whether they were or were not called at the trial, or order the examination of any such witnesses to be conducted in manner provided by rules of court before any judge of the court or before any officer of the court or justice of the peace or other person appointed by the court for the purpose, and allow the admission of any depositions so taken as evidence before the court; and

(*c*) if they think fit receive the evidence, if tendered, of any witness (including the appellant) who is a competent but not compellable witness, and, if the appellant

makes an application for the purpose, of the husband or wife of the appellant, in cases where the evidence of the husband or wife could not have been given at the trial except on such an application; and

(*d*) where any question arising on the appeal involves prolonged examination of documents or accounts, or any scientific or local investigation, which cannot in the opinion of the court conveniently be conducted before the court, order the reference of the question in manner provided by rules of court for inquiry and report to a special commissioner appointed by the court, and act upon the report of any such commissioner so far as they think fit to adopt it; and

(*e*) appoint any person with special expert knowledge to act as assessor to the court in any case where it appears to the court that such special knowledge is required for the proper determination of the case;

and exercise in relation to the proceedings of the court any other powers which may for the time being be exercised by the court of appeal on appeals in civil matters, and issue any warrants necessary for enforcing the orders or sentences of the court: Provided that in no case shall any sentence be increased by reason of or in consideration of any evidence that was not given at the trial.

Legal assistance to appellant.

10. The Court of Criminal appeal may at any time assign to an appellant a solicitor and counsel, or counsel only, in any appeal or proceedings preliminary or incidental to an appeal in which, in the opinion of the court, it appears desirable in the interests of justice that the appellant should have legal aid, and that he has not sufficient means to enable him to obtain that aid.

Right of appellant to be present.

11.—(1) An appellant, notwithstanding that he is in custody, shall be entitled to be present, if he desires it, on the hearing of his appeal, except where the appeal is on some ground involving a question of law alone, but, in that case and on an application for leave to appeal and on any proceedings preliminary or incidental to an appeal, shall not be entitled to be present, except where rules of court provide that he shall have the right to be present, or where the court gives him leave to be present.

(2) The power of the court to pass any sentence under this Act may be exercised notwithstanding that the appellant is for any reason not present.

Duty of Director of Public Prosecutions.

12. It shall be the duty of the Director of Public Prosecutions to appear for the Crown on every appeal to the Court of Criminal Appeal under this Act, except so far as the solicitor of a Government department, or a private prosecutor in the case of a private prosecution, undertakes the defence of the appeal, and the Prosecution of Offences Act, 1879, shall apply as though the duty of the Director of Public Prosecutions under this section were a duty under section two of that Act, and provision shall

42 & 43 Vict. c. 22.

be made by rules of court for the transmission to the Director of Public Prosecutions of all such documents, exhibits, and other things connected with the proceedings as he may require for the purpose of his duties under this section.

Costs of appeal.

13.—(1) On the hearing and determination of an appeal or any proceedings preliminary or incidental thereto under this Act no costs shall be allowed on either side.

(2) The expenses of any solicitor or counsel assigned to an appellant under this Act, and the expenses of any witnesses attending on the order of the court or examined in any proceedings incidental to the appeal, and of the appearance of an appellant on the hearing of his appeal or on any proceedings preliminary or incidental to the appeal, and all expenses of and incidental to any examination of witnesses conducted by any person appointed by the court for the purpose, or any reference of a question to a special commissioner appointed by the court, or of any person appointed as assessor to the court, shall be defrayed, up to an amount allowed by the court, but subject to any regulations as to rates and scales of payment made by the Secretary of State, in the same manner as the expenses of a prosecution in cases of felony.

Admission of appellant to bail, and custody when attending court. 61 & 62 Vict. c. 41.

14.—(1) An appellant who is not admitted to bail shall, pending the determination of his appeal, be treated in such manner as may be directed by prison rules within the meaning of the Prison Act, 1898.

(2) The Court of Criminal Appeal may, if it seems fit, on the application of an appellant, admit the appellant to bail pending the determination of his appeal.

(3) The time during which an appellant, pending the determination of his appeal, is admitted to bail, and subject to any directions which the Court of Criminal Appeal may give to the contrary on any appeal, the time during which the appellant, if in custody, is specially treated as an appellant under this section, shall not count as part of any term of imprisonment or penal servitude under his sentence, and, in the case of an appeal under this Act, any imprisonment or penal servitude under the sentence of the appellant, whether it is the sentence passed by the court of trial or the sentence passed by the Court of Criminal Appeal, shall, subject to any directions which may be given by the court as aforesaid, be deemed to be resumed or to begin to run, as the case requires, if the appellant is in custody, as from the day on which the appeal is determined, and, if he is not in custody, as from the day on which he is received into prison under the sentence.

(4) Where a case is stated under the Crown Cases Act, 1848, this section shall apply to the person in relation to whose conviction the case is stated as it applies to an appellant. 11 & 12 Vict. c. 78.

(5) Provision shall be made by prison rules within the meaning of the Prison Act, 1898, for the manner in which an

appellant, when in custody, is to be brought to any place at which he is entitled to be present for the purposes of this Act, or to any place to which the Court of Criminal Appeal or any judge thereof may order him to be taken for the purpose of any proceedings of that court, and for the manner in which he is to be kept in custody while absent from prison for the purpose; and an appellant whilst in custody in accordance with those rules shall be deemed to be in legal custody.

Duties of registrar with respect to notices of appeal, &c.

15.—(1) The registrar shall take all necessary steps for obtaining a hearing under this Act of any appeals or applications, notice of which is given to him under this Act, and shall obtain and lay before the court in proper form all documents, exhibits, and other things relating to the proceedings in the court before which the appellant or applicant was tried which appear necessary for the proper determination of the appeal or application.

(2) If it appears to the registrar that any notice of an appeal against a conviction, purporting to be on a ground of appeal which involves a question of law alone, does not show any substantial ground of appeal, the registrar may refer the appeal to the court for summary determination, and, where the case is so referred, the court may, if they consider that the appeal is frivolous or vexatious, and can be determined without adjourning the same for a full hearing, dismiss the appeal summarily, without calling on any persons to attend the hearing or to appear for the Crown thereon.

(3) Any documents, exhibits, or other things connected with the proceedings on the trial of any person on indictment, who, if convicted, is entitled or may be authorised to appeal under this Act, shall be kept in the custody of the court of trial in accordance with rules of court made for the purpose, for such time as may be provided by the rules, and subject to such power as may be given by the rules for the conditional release of any such documents, exhibits, or things from that custody.

(4) The registrar shall furnish the necessary forms and instructions in relation to notices of appeal or notices of application under this Act to any person who demands the same, and to officers of courts, governors of prisons, and such other officers or persons as he thinks fit, and the governor of a prison shall cause those forms and instructions to be placed at the disposal of prisoners desiring to appeal or to make any application under this Act, and shall cause any such notice given by a prisoner in his custody to be forwarded on behalf of the prisoner to the registrar.

(5) The registrar shall report to the court or some judge thereof any case in which it appears to him that, although no application has been made for the purpose, a solicitor and counsel, or counsel only, ought to be assigned to an appellant under the powers given to the Court by this Act.

Shorthand notes of trial.

16.—(1) Shorthand notes shall be taken of the proceedings at the trial of any person on indictment who, if convicted, is entitled or may be authorised to appeal under this Act, and on any appeal or application for leave to appeal a transcript of the notes or any part thereof shall be made if the registrar so directs, and furnished to the registrar for the use of the Court of Criminal Appeal or any judge thereof: Provided that a transcript shall be furnished to any party interested upon the payment of such charges as the Treasury may fix.

(2) The Secretary of State may also, if he thinks fit in any case, direct a transcript of the shorthand notes to be made and furnished to him for his use.

(3) The cost of taking any such shorthand notes, and of any transcript where a transcript is directed to be made by the registrar or by the Secretary of State, shall be defrayed, in accordance with scales of payment fixed for the time being by the Treasury, out of moneys provided by Parliament, and rules of court may make such provision as is necessary for securing the accuracy of the notes to be taken and for the verification of the transcript.

Powers which may be exercised by a judge of the court.

17. The powers of the Court of Criminal Appeal under this Act to give leave to appeal, to extend the time within which notice of appeal or of an application for leave to appeal may be given, to assign legal aid to an appellant, to allow the appellant to be present at any proceedings in cases where he is not entitled to be present without leave, and to admit an appellant to bail, may be exercised by any judge of the Court of Criminal Appeal in the same manner as they may be exercised by the Court, and subject to the same provisions; but, if the judge refuses an application on the part of the appellant to exercise any such power in his favour, the appellant shall be entitled to have the application determined by the Court of Criminal Appeal as duly constituted for the hearing and determining of appeals under this Act.

Rules of court.

18.—(1) Rules of court for the purposes of this Act shall be made, subject to the approval of the Lord Chancellor, and so far as the rules affect the governor or any other officer of a prison, or any officer having the custody of an appellant, subject to the approval also of the Secretary of State, by the Lord Chief Justice and the judges of the Court of Criminal Appeal, or any three of such judges, with the advice and assistance of the Committee herein-after mentioned. Rules so made may make provision with respect to any matter for which provision is to be made under this Act by rules of court, and may regulate generally the practice and procedure under this Act, and the officers of any court before whom an appellant has been convicted, and the governor or other officers of any prison or other officer having the custody of an appellant and any other officers or persons, shall comply with any requirements of those rules so far as they affect those officers or

persons, and compliance with those rules may be enforced by order of the Court of Criminal Appeal.

(2) The Committee herein-before referred to shall consist of a chairman of quarter sessions appointed by a Secretary of State, the Permanent Under Secretary of State for the time being for the Home Department, the Director of Public Prosecutions for the time being, the Registrar of the Court of Criminal Appeal, and a clerk of assize, and a clerk of the peace appointed by the Lord Chief Justice, and a solicitor appointed by the President of the Law Society for the time being, and a barrister appointed by the General Council of the Bar. The term of office of any person who is a member of the Committee by virtue of appointment shall be such as may be specified in the appointment.

(3) Every rule under this Act shall be laid before each House of Parliament forthwith, and, if an address is presented to His Majesty by either House of Parliament within the next subsequent thirty days on which the House has sat next after any such rule is laid before it, praying that the rule may be annulled, His Majesty in Council may annul the rule, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

SUPPLEMENTAL.

Prerogative of mercy.

19. Nothing in this Act shall affect the prerogative of mercy, but the Secretary of State on the consideration of any petition for the exercise of His Majesty's mercy, having reference to the conviction of a person on indictment or to the sentence (other than sentence of death) passed on a person so convicted, may, if he thinks fit, at any time either—

(*a*) refer the whole case to the Court of Criminal Appeal, and the case shall then be heard and determined by the Court of Criminal Appeal as in the case of an appeal by a person convicted; or,

(*b*) if he desires the assistance of the Court of Criminal Appeal on any point arising in the case with a view to the determination of the petition, refer that point to the Court of Criminal Appeal for their opinion thereon, and the Court shall consider the point so referred and furnish the Secretary of State with their opinion thereon accordingly.

Criminal informations, procedure in the High Court, &c.

20.—(1) Writs of error, and the powers and practice now existing in the High Court in respect of motions for new trials or the granting thereof in criminal cases, are hereby abolished.

(2) This Act shall apply in the case of convictions on criminal informations and coroners' inquisitions and in cases where a person is dealt with by a court of quarter sessions as an incorrigible rogue under the Vagrancy Act, 1824, as it applies in the case of convictions on indictments, but shall not apply in the case of convictions on indictments or inquisitions

5 Geo. 4. c. 83.

charging any peer or peeress, or other person claiming the privilege of peerage, with any offence not now lawfully triable by a court of assize.

(3) Notwithstanding anything in any other Act, an appeal shall lie from a conviction on indictment at common law in relation to the non-repair or obstruction of any highway, public bridge, or navigable river in whatever court the indictment is tried, in all respects as though the conviction were a verdict in a civil action tried at assizes, and shall not lie under this Act.

(4) All jurisdiction and authority under the Crown Cases Act, 1848, in relation to questions of law arising in criminal trials which is transferred to the judges of the High Court by section forty-seven of the Supreme Court of Judicature Act, 1873, shall be vested in the Court of Criminal Appeal under this Act, and in any case where a person convicted appeals under this Act against his conviction on any ground of appeal which involves a question of law alone, the Court of Criminal Appeal may, if they think fit, decide that the procedure under the Crown Cases Act, 1848, as to the statement of a case should be followed, and require a case to be stated accordingly under that Act in the same manner as if a question of law had been reserved. 36 & 37 Vict. c. 66.

21. In this Act, unless the context otherwise requires,— Definitions.

The expression "appellant" includes a person who has been convicted and desires to appeal under this Act; and

The expression "sentence" includes any order of the court made on conviction with reference to the person convicted or his wife or children, and any recommendation of the court as to the making of an expulsion order in the case of a person convicted, and the power of the Court of Criminal Appeal to pass a sentence includes a power to make any such order of the Court or recommendation, and a recommendation so made by the Court of Criminal Appeal shall have the same effect for the purposes of section three of the Aliens Act, 1905, as the certificate and recommendation of the convicting Court. 5 Edw. 7. c. 13.

22. The Acts specified in the schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule. Repeal.

23.—(1) This Act may be cited as the Criminal Appeal Act, 1907. Short title, extent, and application.

(2) This Act shall not extend to Scotland or Ireland.

(3) This Act shall apply to all persons convicted after the eighteenth day of April nineteen hundred and eight, but shall not affect the rights, as respects appeal, of any persons convicted on or before that date.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
7 & 8 Will. 3. c. 3.	The Treason Act, 1695	In section nine, from "but nevertheless" to the end of the section.
11 & 12 Vict. c. 78.	The Crown Cases Act, 1848.	Sections three and five.
38 & 39 Vict. c. 77.	The Supreme Court of Judicature Act, 1875.	In section nineteen, the words "including the practice and procedure with respect to Crown cases reserved."
44 & 45 Vict. c. 68.	The Supreme Court of Judicature Act, 1881.	Section fifteen.

CHAPTER 24.

An Act to establish Limited Partnerships.

[28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Limited Partnerships Act, 1907.

Commencement of Act.

2. This Act shall come into operation on the first day of January one thousand nine hundred and eight.

Interpretation of terms.

3. In the construction of this Act the following words and expressions shall have the meanings respectively assigned to them in this section, unless there be something in the subject or context repugnant to such construction:—

"Firm," "firm name," and "business" have the same meanings as in the Partnership Act, 1890:

53 & 54 Vict. c. 39.

"General partner" shall mean any partner who is not a limited partner as defined by this Act.

Definition and constitution of limited partnership.

4.—(1) From and after the commencement of this Act limited partnerships may be formed in the manner and subject to the conditions by this Act provided.

(2) A limited partnership shall not consist, in the case of a partnership carrying on the business of banking, of more than

ten persons, and, in the case of any other partnership, of more than twenty persons, and must consist of one or more persons called general partners, who shall be liable for all debts and obligations of the firm, and one or more persons to be called limited partners, who shall at the time of entering into such partnership contribute thereto a sum or sums as capital or property valued at a stated amount, and who shall not be liable for the debts or obligations of the firm beyond the amount so contributed.

(3) A limited partner shall not during the continuance of the partnership, either directly or indirectly, draw out or receive back any part of his contribution, and if he does so draw out or receive back any such part shall be liable for the debts and obligations of the firm up to the amount so drawn out or received back.

(4) A body corporate may be a limited partner.

Registration of limited partnership required.

5. Every limited partnership must be registered as such in accordance with the provisions of this Act, or in default thereof it shall be deemed to be a general partnership, and every limited partner shall be deemed to be a general partner.

Modifications of general law in case of limited partnerships.

6.—(1) A limited partner shall not take part in the management of the partnership business, and shall not have power to bind the firm:

Provided that a limited partner may by himself or his agent at any time inspect the books of the firm and examine into the state and prospects of the partnership business, and may advise with the partners thereon.

If a limited partner takes part in the management of the partnership business he shall be liable for all debts and obligations of the firm incurred while he so takes part in the management as though he were a general partner.

(2) A limited partnership shall not be dissolved by the death or bankruptcy of a limited partner, and the lunacy of a limited partner shall not be a ground for dissolution of the partnership by the court unless the lunatic's share cannot be otherwise ascertained and realised.

(3) In the event of the dissolution of a limited partnership its affairs shall be wound up by the general partners unless the court otherwise orders.

(4) Applications to the court to wind up a limited partnership shall be by petition under the Companies Acts, 1862 to 1900, and the provisions of those Acts relating to the winding-up of companies by the court and of the rules made thereunder (including provisions as to fees) shall, subject to such modifications (if any) as the Lord Chancellor, with the concurrence of the President of the Board of Trade, may by rules provide, apply to the winding-up by the court of limited partnerships, with the substitution of general partners for directors.

v. Hughes & Co 1911

(5) Subject to any agreement expressed or implied between the partners—

(*a*) Any difference arising as to ordinary matters connected with the partnership business may be decided by a majority of the general partners;

(*b*) A limited partner may, with the consent of the general partners, assign his share in the partnership, and upon such an assignment the assignee shall become a limited partner with all the rights of the assignor;

(*c*) The other partners shall not be entitled to dissolve the partnership by reason of any limited partner suffering his share to be charged for his separate debt;

(*d*) A person may be introduced as a partner without the consent of the existing limited partners;

(*e*) A limited partner shall not be entitled to dissolve the partnership by notice.

Law as to general partnerships to apply except as modified by this Act.

7. Subject to the provisions of this Act, the Partnership Act, 1890, and the rules of equity and of common law applicable to partnerships, except so far as they are inconsistent with the express provisions of the last-mentioned Act, shall apply to limited partnerships.

Manner and particulars of registration.

8. The registration of a limited partnership shall be effected by sending by post or delivering to the registrar at the register office in that part of the United Kingdom in which the principal place of business of the limited partnership is situated or proposed to be situated a statement signed by the partners containing the following particulars:—

(*a*) The firm name;

(*b*) The general nature of the business;

(*c*) The principal place of business;

(*d*) The full name of each of the partners;

(*e*) The term, if any, for which the partnership is entered into, and the date of its commencement;

(*f*) A statement that the partnership is limited, and the description of every limited partner as such;

(*g*) The sum contributed by each limited partner, and whether paid in cash or how otherwise.

Registration of changes in partnerships.

9.—(1) If during the continuance of a limited partnership any change is made or occurs in—

(*a*) the firm name,

(*b*) the general nature of the business,

(*c*) the principal place of business,

(*d*) the partners or the name of any partner,

(*e*) the term or character of the partnership,

(*f*) the sum contributed by any limited partner,

(*g*) the liability of any partner by reason of his becoming a limited instead of a general partner or a general instead of a limited partner,

a statement, signed by the firm, specifying the nature of the change shall within seven days be sent by post or delivered to

the registrar at the register office in that part of the United Kingdom in which the partnership is registered.

(2) If default is made in compliance with the requirements of this section each of the general partners shall, on conviction under the Summary Jurisdiction Acts, be liable to a fine not exceeding one pound for each day during which the default continues.

Advertisement in Gazette of statement of general partner becoming a limited partner and of assignment of share of limited partner.

10.—(1) Notice of any arrangement or transaction under which any person will cease to be a general partner in any firm, and will become a limited partner in that firm, or under which the share of a limited partner in a firm will be assigned to any person, shall be forthwith advertised in the Gazette, and until notice of the arrangement or transaction is so advertised the arrangement or transaction shall, for the purposes of this Act, be deemed to be of no effect.

(2) For the purposes of this section, the expression "the Gazette" means—

In the case of a limited partnership registered in England, the London Gazette;

In the case of a limited partnership registered in Scotland, the Edinburgh Gazette;

In the case of a limited partnership registered in Ireland, the Dublin Gazette.

Ad valorem stamp duty on contributions by limited partners.

11. The statement of the amount contributed by a limited partner, and a statement of any increase in that amount, sent to the registrar for registration under this Act, shall be charged with an ad valorem stamp duty of five shillings for every one hundred pounds, and any fraction of one hundred pounds over any multiple of one hundred pounds, of the amount so contributed, or of the increase of that amount, as the case may be; and, in default of payment of stamp duty thereon as herein required, the duty with interest thereon at the rate of five per cent. per annum from the date of delivery of such statement shall be a joint and several debt to His Majesty, recoverable from the partners, or any of them, in the said statements named, or, in the case of an increase, from all or any of the said partners whose discontinuance in the firm shall not, before the date of delivery of such statement of increase, have been duly notified to the registrar.

Making false returns to registrar.

12. Every one commits a misdemeanor, and shall be liable to imprisonment with hard labour for a term not exceeding two years, who makes, signs, sends, or delivers for the purpose of registration under this Act any false statement known by him to be false.

Registrar to file statements and certificate to be sent to firm.

13. On receiving any statement made in pursuance of this Act the registrar shall cause the same to be filed, and he shall send by post to the firm from whom such statement shall have been received a certificate of the registration thereof.

Register and index to be kept.

14. At each of the register offices herein-after referred to the registrar shall keep, in proper books to be provided for the purpose, a register and an index of all the limited partnerships registered as aforesaid, and of all the statements registered in relation to such partnerships.

Registrar of joint stock companies to be registrar under Act.

15. The registrar of joint stock companies shall be the registrar of limited partnerships, and the several offices for the registration of joint stock companies in London, Edinburgh, and Dublin shall be the offices for the registration of limited partnerships carrying on business within those parts of the United Kingdom in which they are respectively situated.

Inspection of statements registered.

16.—(1) Any person may inspect the statements filed by the registrar in the register offices aforesaid, and there shall be paid for such inspection such fees as may be appointed by the Board of Trade, not exceeding one shilling for each inspection; and any person may require a certificate of the registration of any limited partnership, or a copy of or extract from any registered statement, to be certified by the registrar, and there shall be paid for such certificate of registration, certified copy, or extract such fees as the Board of Trade may appoint, not exceeding two shillings for the certificate of registration, and not exceeding sixpence for each folio of seventy-two words, or in Scotland for each sheet of two hundred words.

(2) A certificate of registration, or a copy of or extract from any statement registered under this Act, if duly certified to be a true copy under the hand of the registrar or one of the assistant registrars (whom it shall not be necessary to prove to be the registrar or assistant registrar) shall, in all legal proceedings, civil or criminal, and in all cases whatsoever be received in evidence.

Power to Board of Trade to make rules.

17. The Board of Trade may make rules (but as to fees with the concurrence of the Treasury) concerning any of the following matters:—

(*a*) The fees to be paid to the registrar under this Act, so that they do not exceed in the case of the original registration of a limited partnership the sum of two pounds, and in any other case the sum of five shillings;

(*b*) The duties or additional duties to be performed by the registrar for the purposes of this Act;

(*c*) The performance by assistant registrars and other officers of acts by this Act required to be done by the registrar;

(*d*) The forms to be used for the purposes of this Act;

(*e*) Generally the conduct and regulation of registration under this Act and any matters incidental thereto.

CHAPTER 25.

An Act for amending the Law relating to the Administration of Oaths for the purpose of Proceedings in Prize Courts. [28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power of officers to administer oaths in prize proceedings. 52 Vict. c. 10.

1. There shall be added to section four of the Commissioners for Oaths Act, 1889 (which relates to the appointment of persons to administer oaths in prize proceedings), the following provisions:—

"Any officer for the time being holding any prescribed office on board any of His Majesty's ships, or any of His Majesty's ships of any prescribed class, shall, whilst on the high seas or out of His Majesty's dominions, by virtue of his office, be empowered to administer oaths and take affidavits for any purpose relating to proceedings in any prize court within the meaning of the Naval Prize Act, 1864, as amended by any subsequent enactment. 27 & 28 Vict. c. 25.

"In this section the expression 'prescribed' means prescribed in any regulations made by the Admiralty with the consent of the Lord Chancellor, and the expression 'His Majesty's ships' includes any of His Majesty's vessels of war and any hired ship or vessel in His Majesty's service.

"Any document purporting to have subscribed thereto the signature of any person authorised by or under this section to administer an oath, in testimony of any oath or affidavit being administered or taken before him, shall be admitted in evidence without proof of the signature being the signature of that person, or of the official character of that person."

Short title. 52 Vict. c. 10. 54 & 55 Vict. c. 50. 53 & 54 Vict. c. 7.

2. This Act may be cited as the Commissioners for Oaths (Prize Proceedings) Act, 1907, and the Commissioners for Oaths Acts, 1889 and 1891, and the Commissioners for Oaths Amendment Act, 1890, and this Act may be cited together as the Commissioners for Oaths Acts, 1889 to 1907.

CHAPTER 26.

An Act to amend the Law with respect to Customs Duties in the Isle of Man. [28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Continuance of additional duties on tea, tobacco, spirits, ale, and beer. 6 Edw. 7. c. 18. 63 & 64 Vict. c. 31.

1. The additional duty of Customs on tea removed or imported into the Isle of Man imposed by section one of the Isle of Man (Customs) Act, 1906, and the additional duties of Customs on tobacco and spirits removed or imported into the Isle of Man, imposed by section one of the Isle of Man (Customs) Act, 1900, and the additional duty on ale and beer removed or imported into the Isle of Man, imposed by the second paragraph of section two of that Act shall continue to be charged, levied, and paid as from the first day of August nineteen hundred and seven until the first day of August nineteen hundred and eight.

Short title.

2. This Act may be cited as the Isle of Man (Customs) Act, 1907.

CHAPTER 27.

An Act to authorise Local Authorities to make Byelaws respecting the Exhibition of Advertisements.

[28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Advertisements Regulation Act, 1907.

Local authorities to have power to make byelaws for regulation of advertisements.

2. Any local authority may make byelaws—

(1) For the regulation and control of hoardings and similar structures used for the purpose of advertising when they exceed twelve feet in height:

(2) For regulating, restricting, or preventing the exhibition of advertisements in such places and in such manner, or by such means, as to affect injuriously the amenities of a public park or pleasure promenade, or to disfigure the natural beauty of a landscape:

Provided that a local authority in making byelaws under this section shall provide for the exemption from the operation of such byelaws of any hoardings and similar structures in use for advertising purposes at the time of the making of the byelaws, and of any advertisements exhibited at that time, for such period, not being less than five years from that time, as they may think fit.

Byelaws to be confirmed by Secretary of State.

3.—(1) A byelaw made under this Act shall not have any effect until confirmed by the Secretary of State, and shall not be so confirmed until at least thirty days after the local authority have published it in such manner as the Secretary of State may by general or special order direct.

(2) The Secretary of State shall, before confirming any bye-law, consider any objections to it which may be addressed to him by persons affected or likely to be affected thereby.

(3) The Secretary of State may, before confirming any byelaw, order that a local inquiry be held with respect to the byelaw or with respect to any objections thereto. The person holding any such inquiry shall receive such remuneration as the Secretary of State may determine, and that remuneration and the expenses of the local inquiry shall be paid by the local authority making the byelaw.

(4) Byelaws made under this Act may apply either to the whole of the area of the local authority, or to any specified part thereof.

(5) Byelaws made by a county council shall not be of any force or effect within any borough or urban district the council of which is a local authority under this Act.

(6) The production of a copy of any byelaw certified by a person purporting to be the clerk of the local authority to be a true copy shall, until the contrary is proved, be evidence of the byelaw and of the due making thereof, and, if it is so stated in the certificate, of the byelaw having been duly confirmed.

Expenses.

4. Any expenses incurred by a local authority in England or Ireland in carrying into effect the provisions of this Act or any byelaw made thereunder shall be defrayed in the case of a county out of the county fund, in the case of the city of London out of the consolidated rate of that city, in the case of a borough out of the borough fund or borough rate, and in the case of an urban district as part of the general expenses incurred in the execution of the Public Health Acts: Provided that a county council shall not raise any sum on account of their expenses under this Act within any borough or urban district the council of which is a local authority under this Act.

Powers of Act to be in addition to any existing powers.

5. The powers and provisions of this Act shall be deemed to be in addition to and not in derogation of any powers and provisions of any local Act, and any powers of making byelaws under any general Act and any such powers and provisions may be exercised and enforced in the same manner as if this Act had not been passed.

6. In the application of this Act to Scotland—

Application to Scotland.

(1) The Secretary for Scotland shall be substituted for the Secretary of State:

(2) Byelaws made by a county council shall not be of any force or effect within a royal, parliamentary, or police burgh:

(3) A county council may make byelaws under this Act for preventing the affixing or otherwise exhibiting advertisements upon any wall, tree, fence, gate, or elsewhere on private property, without the consent of either the owner or occupier previously given in

writing, or except by virtue of some other sufficient legal authority:

(4) The section of this Act relating to expenses shall apply with the substitution of "general purposes rate" for "county fund," "royal, parliamentary, or police burgh" for "borough," and "burgh general or police assessment" for "borough fund or borough rate."

Definition.

7. For the purposes of this Act the expression "local authority" means—

(1) Within the city of London, the mayor, aldermen, and commons of that city, in common council assembled:

(2) Within any municipal borough in England, the council of that borough:

(3) Within any royal, parliamentary, or police burgh in Scotland, the town council:

(4) Within any urban district in England containing a population according to the last census for the time being of over ten thousand, and within any urban district in Ireland containing a population according to the last census for the time being of over five thousand, the council of that district:

(5) Elsewhere in England, Scotland, or Ireland, the county council.

Enforcement of byelaws of London County Council.

8. It shall be the duty of every metropolitan borough council to enforce within its own area any byelaws made by the London County Council under paragraph (1) of section two of this Act.

Application to Ireland.

9. In the application of this Act to Ireland the Lord Lieutenant, acting with the advice of the Privy Council, shall be substituted for the Secretary of State, the Public Health (Ireland) Acts, 1878 to 1900, shall be substituted for the Public Health Acts, and any references to a borough shall not have effect.

Penalties.

10. If any person acts in contravention of or fails to comply with any byelaw made under this Act, he shall be liable on summary conviction to a penalty not exceeding five pounds, and to a penalty not exceeding twenty shillings for every day during which the offence is continued after his conviction thereof.

CHAPTER 28.

An Act to amend the Law relating to Patents and Designs. [28th August 1907.]

Repealed by Patents and Designs Act 1907 s. 136 post

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Part I.

Patents.

Grant of patents to two or more persons.

1. Where, after the commencement of this Act, a patent is granted to two or more persons jointly, they shall, unless otherwise specified in the patent, be treated for the purpose of the devolution of the legal interest therein as joint tenants, but, subject to any contract to the contrary each of such persons shall be entitled to use the invention for his own profit without accounting to the others, but shall not be entitled to grant a licence without their consent, and, if any such person dies, his beneficial interest in the patent shall devolve on his personal representatives as part of his personal estate.

Amendment of 46 & 47 Vict. c. 57. s. 5.

2. Subsections (3) and (4) of section five of the Patents, Designs, and Trade Marks Act, 1883 (which Act, as amended by any subsequent enactment, is herein-after referred to as the principal Act), shall be repealed and in lieu thereof shall be substituted the following :—

"(3) A provisional specification must describe the nature of the invention ;

"(4) A complete specification must particularly describe and ascertain the nature of the invention and the manner in which the same is to be performed ;

"(4A) In the case of any provisional or complete specification where the comptroller deems it desirable he may require that suitable drawings shall be supplied with the specification, or at any time before the acceptance of the same, and such drawings shall be deemed to form part of the said specification."

Deposit of samples in the case of chemical inventions.

3. The following paragraph shall be inserted in section five of the principal Act :—

"(6) Where the invention in respect of which an application is made is a chemical invention, such typical samples and specimens as may be prescribed shall, if in any particular case the comptroller considers it desirable so to require, be furnished before the acceptance of the complete specification."

Supplementary provisional specifications.

4. Where the same applicant has put in two or more provisional specifications for inventions which are cognate or modifications one of the other, and has obtained thereby concurrent provisional protection for the same, and the comptroller is of opinion that the whole of such inventions are such as to constitute a single invention and may properly be included in one patent, he may accept one complete specification in respect of the whole of such applications and grant a single patent thereon. Such patent shall bear the date of the earliest of such applications, but, in considering the validity of the same and for the purposes of section eleven of the principal Act as

modified by this Act, the court or the comptroller, as the case may be, shall have regard to the respective dates of the provisional specifications relating to the several matters claimed therein.

Patents of addition.

5.—(1) Where a patent for an invention has been applied for or granted, and the applicant or the patentee, as the case may be, applies for a further patent in respect of any improvement on or modification of the invention, he may, if he thinks fit, in his application for the further patent, request that the term limited in that patent for the duration thereof be the same as that of the original patent or so much of that term as is unexpired.

(2) Where an application containing such a request is made, a patent (herein-after referred to as a patent of addition) may be granted for such term as aforesaid.

(3) A patent of addition shall remain in force so long as the patent for the original invention remains in force, but no longer, and in respect of a patent of addition no fees shall be payable for renewal.

(4) The grant of a patent of addition shall be conclusive evidence that the invention is a proper subject for a patent of addition, and the validity of the patent shall not be questioned on the ground that the invention ought to have been the subject of an independent patent.

Extension of 2 Edw. 7. c. 34. s. 1 to specifications published subsequently to application.

6.—(1) An investigation under section one of the Patents Act, 1902, shall extend to specifications published after the date of the application in respect of which the investigation is made, and being specifications which have been deposited pursuant to prior applications; and that section shall, subject to rules under the principal Act, have effect accordingly.

(2) Where, on such an extended investigation, it appears that the invention claimed in the specification deposited pursuant to an application is wholly or in part claimed in any published specification deposited pursuant to a prior application, the applicant shall, whether or not his specification has been accepted or a patent granted to him, be afforded such facilities as may be prescribed for amending his specification, and in the event of his failing to do so the comptroller shall, in accordance with such procedure as may be prescribed, determine what reference, if any, to other specifications ought to be made in his specification by way of notice to the public.

(3) For the purposes of this section an application shall be deemed to be prior to another application if the patent applied for when granted would be of prior date to the patent granted pursuant to that other application.

(4) This section shall come into operation at such date as the Board of Trade may by order direct, and shall apply only to applications made after that date, and the order shall be laid before both Houses of Parliament.

7. The following proviso shall be added to subsection (6) of section one of the Patents Act, 1902 :— Amendment of 2 Edw. 7. c. 34. s. 1 (6).

"Provided that the comptroller, if satisfied that the invention claimed has been wholly and specifically claimed in any specification to which the investigation has extended, may, in lieu of requiring references to be made in the applicant's specification as aforesaid, refuse to grant a patent."

8. The following subsection shall be added after subsection (3) of section nine of the principal Act, which relates to the comparison of provisional with complete specifications :— Power to post-date application in cases of disconformity.

"(3A) If the examiner reports that the invention described in the complete specification is not substantially the same as that which is described in the provisional specification, the comptroller may, with the consent of the applicant, instead of refusing to accept the complete specification, cancel the provisional specification and treat the application as having been made on the date at which the complete specification was left, and the application shall have effect as if made on that date :

"Provided that where the complete specification includes an invention not included in the provisional specification, the comptroller may allow the original application to proceed so far as the invention included both in the provisional and in the complete specification is concerned, and treat the claim for the additional invention included in the complete specification as an application for that invention made on the date at which the complete specification was left."

9. A patent shall not be held invalid on the ground that the complete specification claims a further or different invention to that contained in the provisional, if the invention therein claimed, so far as it is not contained in the provisional, was novel at the date when the complete specification was put in, and the applicant was the first and true inventor thereof. Disconformity.

10. In subsection (1) of section eleven of the principal Act (which relates to the grounds on which the grant of a patent may be opposed), for the words "on the ground that the "invention has been patented in this country on an application "of prior date" there shall be substituted the words "on the "ground that the invention has been claimed in any complete "specification for a British patent which is or will be of prior "date to the patent the grant of which is opposed, other than a "specification deposited pursuant to an application made more "than fifty years before the date of the application for such "last-mentioned patent, or on the ground that the nature of "the invention or the manner in which it is to be performed is "not sufficiently or fairly described and ascertained in the "complete specification." Grounds of opposition.

11.—(1) Where in consequence of the neglect or failure of the applicant to pay any fee a patent cannot be sealed within Extension of period for sealing patents in certain cases.

the period allowed by section twelve of the principal Act, that period may, on payment of the prescribed fee and on compliance with the prescribed conditions, be extended to such an extent as may be prescribed.

(2) In such cases as may be prescribed and subject to the prescribed conditions this section shall apply where the period allowed for the sealing of the patent has expired before the commencement of this Act.

Applications for extension of time for payment of fees, &c.

48 & 49 Vict. c. 63.

12. Where an application is made for an extension of time under section seventeen of the principal Act, it shall not be necessary for the patentee to allege or prove the cause of his failure to pay the prescribed fee within the prescribed time, and where under that section or under section three of the Patents, Designs, and Trade Marks (Amendment) Act, 1885, an application is made for an extension of time, the comptroller shall, on payment of the prescribed fee, grant an extension of time to the full amount applied for, not exceeding the amount which he is entitled to grant under those sections.

Amendment of specification by disclaimers.

13. The following section shall be substituted for section nineteen of the principal Act :—

"In any action for infringement of a patent or proceedings before the court for the revocation of a patent, the court may by order allow the patentee to amend his specification by way of disclaimer in such manner and subject to such terms as to costs, advertisement, or otherwise, as the court may think fit :

"Provided that no amendment shall be so allowed that would make the specification, as amended, claim an invention substantially larger than, or substantially different from, the invention claimed by the specification as it stood before the amendment, and where an application for such an order is made to the court, notice of the application shall be given to the comptroller, and the comptroller shall have the right to appear and be heard, and shall appear if so directed by the court."

Power of comptroller to revoke patents on certain grounds.

14.—(1) Any person who would have been entitled to oppose the grant of a patent, or is the successor in interest of a person who was so entitled, may, within two years from the date of the patent, in the prescribed manner apply to the comptroller for an order revoking the patent on any one or more of the grounds on which the grant of the patent might have been opposed :

Provided that when an action for infringement or proceedings for the revocation of the patent are pending in any court, an application under this section shall not be made except with the leave of the Court.

(2) The comptroller shall give notice of the application to the patentee, and after hearing the parties, if desirous of being heard, may make an order revoking the patent or requiring the specification relating thereto to be amended by disclaimer,

correction, or explanation, or dismissing the application; but the comptroller shall not make an order revoking the patent unless the circumstances are such as would have justified him in refusing to grant the patent had the proceedings been proceedings in an opposition to the grant of a patent.

(3) A patentee may at any time by giving notice in the prescribed manner to the comptroller offer to surrender his patent, and the comptroller may, if after giving notice of the offer and hearing all parties who desire to be heard he thinks fit, accept the offer, and thereupon make an order for the revocation of the patent.

(4) Any decision of the comptroller under this section shall be subject to appeal to the court.

Revocation of patents worked outside the United Kingdom.

15.—(1) At any time not less than four years after the date of a patent, and not less than one year after the passing of this Act, any person may apply to the comptroller for the revocation of the patent on the ground that the patented article or process is manufactured or carried on exclusively or mainly outside the United Kingdom.

(2) The comptroller shall consider the application, and, if after inquiry he is satisfied that the allegations contained therein are correct, then, subject to the provisions of this section, and unless the patentee proves that the patented article or process is manufactured or carried on to an adequate extent in the United Kingdom, or gives satisfactory reasons why the article or process is not so manufactured or carried on, the comptroller may make an order revoking the patent either—

(*a*) forthwith; or

(*b*) after such reasonable interval as may be specified in the order, unless in the meantime it is shown to his satisfaction that the patented article or process is manufactured or carried on within the United Kingdom to an adequate extent:

Provided that no such order shall be made which is at variance with any treaty, convention, arrangement, or engagement with any foreign country or British possession.

(3) If within the time limited in the order the patented article or process is not manufactured or carried on within the United Kingdom to an adequate extent, but the patentee gives satisfactory reasons why it is not so manufactured or carried on, the comptroller may extend the period mentioned in the previous order for such period not exceeding twelve months as may be specified in the subsequent order.

(4) Any decision of the comptroller under this section shall be subject to appeal to the court, and on any such appeal the law officer, or such other counsel as he may appoint, shall be entitled to appear and be heard.

Compulsory licences.

16.—(1) Petitions for the grant of a compulsory licence or for the revocation of a patent under section three of the Patents

Act, 1902, shall be referred by the Board of Trade to the court instead of to the Judicial Committee of the Privy Council, and accordingly in that section for references to the Judicial Committee there shall be substituted references to the court, and for references to Orders in Council there shall be substituted references to orders of the court, and subsections (8), (9) and (10) of that section shall be repealed.

(2) In lieu of subsections (5) and (6) of the same section the following subsection shall be substituted :—

"(5) For the purposes of this section the reasonable requirements of the public shall not be deemed to have been satisfied—

"(*a*) if by reason of the default of the patentee to manufacture to an adequate extent and supply on reasonable terms the patented article, or any parts thereof which are necessary for its efficient working, or to carry on the patented process to an adequate extent or to grant licences on reasonable terms, any existing trade or industry, or the establishment of any new trade or industry, in the United Kingdom is unfairly prejudiced, or the demand for the patented article or the article produced by the patented process is not reasonably met ; or

"(*b*) if any trade or industry in the United Kingdom is unfairly prejudiced by the conditions attached by the patentee before or after the passing of this Act to the purchase, hire, or use of the patented article or to the using or working the patented process."

Procedure on petitions for extension of term of patent.

17. The following section shall be substituted for section twenty-five of the principal Act :—

"(1) A patentee may, after advertising in manner provided by rules of the Supreme Court his intention to do so, present a petition to the court praying that his patent may be extended for a further term, but such petition must be presented at least six months before the time limited for the expiration of the patent ;

"(2) Any person may give notice to the court of objection to the extension ;

"(3) On the hearing of any petition under this section, the patentee and any person who has given such notice of objection shall be made parties to the proceeding, and the comptroller shall be entitled to appear and be heard, and shall appear if so directed by the court ;

"(4) The court, in considering its decision, shall have regard to the nature and merits of the invention in relation to the public, to the profits made by the patentee as such, and to all the circumstances of the case ;

"(5) If it appears to the court that the patentee has been inadequately remunerated by his patent, the court may by order extend the term of the patent for a further term not exceeding seven, or, in exceptional cases, fourteen years, or may order the grant of a new patent for such term as may be specified in the order and containing any restriction, conditions, and provisions the court may think fit."

Date of patent substituted for patent obtained by fraud.

18. A patent granted under subsection (8) of section twenty-six of the principal Act to an inventor in lieu of a patent revoked on the ground of fraud shall bear the same date as the revoked patent, and accordingly in that subsection the words "the date of revocation of," and the words "but the "patent so granted shall cease on the expiration of the term "for which the revoked patent was granted," shall be repealed:

Provided that no action shall be brought for any infringement of the patent so granted committed before the actual date when such patent was granted.

Repeal of provisions as to procedure.

19. Rules of the Supreme Court may be made for regulating the matters dealt with in subsections (5), (6), and (7) of section twenty-six and in section twenty-nine of the principal Act, which relate to the particulars to be delivered and the procedure to be adopted in proceedings upon petition for the revocation of a patent and in an action for infringement, and on the coming into operation of any rules of court made for that purpose the said enactments shall be repealed.

Time for applications by representatives of deceased inventors.

20. In section thirty-four of the principal Act (which relates to the grant of a patent on the application of representatives of a deceased inventor) the words "must be made within six months of the decease of such person and" are hereby repealed.

Secret patents.

21.—(1) Section forty-four of the principal Act (which relates to secret patents) shall apply to the Admiralty in like manner as it applies to the Secretary of State for War.

(2) Rules may be made under the principal Act, after consultation with the Secretary of State and the Admiralty, for the purpose of ensuring secrecy with respect to patents to which the said section as so extended applies, and those rules may modify any of the provisions of the principal Act in their application to such patents as aforesaid so far as may appear necessary for the purpose aforesaid.

Anticipation.

22. A patent shall not be held to be invalid by reason only of the invention, in respect of which the patent was granted, or any part thereof having been published prior to the date of the patent, if the patentee proves to the satisfaction of the court that the publication was made without his knowledge and consent, and that the matter published was derived or obtained

from him, and, if he learnt of the publication before the date of his application for the patent, that he applied for and obtained protection for his invention with all reasonable diligence after learning of the publication.

Restoration of lapsed patents.

23. When any patent has become void owing to the failure of the patentee to pay any prescribed fee within the prescribed time, the patentee may apply to the comptroller in the prescribed manner for an order for the restoration of the patent. Every such application shall contain a statement of the circumstances which have led to the omission of the payment of the said prescribed fee. If it appears from such statement that the omission was unintentional and that no undue delay has occurred in making the application, the comptroller shall advertise the application in the prescribed manner, and within such time as may be prescribed any person may give notice of opposition at the Patent Office. Where such notice is given the comptroller shall notify the applicant thereof. After the expiration of the prescribed period the comptroller shall hear the case and, subject to an appeal to the court, issue an order either restoring the patent or dismissing the application: Provided that, in every order under this section restoring a patent, such provisions as may be prescribed shall be inserted for the protection of persons who may have availed themselves of the subject-matter of the patent, after the patent had been announced as void in the illustrated official journal.

Avoidance of certain conditions attached to the sale, &c. of patented articles.

24.—(1) It shall not be lawful in any contract made after the passing of this Act in relation to the sale or lease of, or licence to use or work, any article or process protected by a patent to insert a condition the effect of which will be—

(*a*) to prohibit or restrict the purchaser, lessee, or licensee from using any article or class of articles, whether patented or not, or any patented process, supplied or owned by any person other than the seller, lessor, or licensor, or his nominees; or

(*b*) to require the purchaser, lessee, or licensee to acquire from the seller, lessor, or licensor, or his nominees, any article or class of articles not protected by the patent;

and any such condition shall be null and void, as being in restraint of trade and contrary to public policy: Provided that this subsection shall not apply if—

(i) the seller, lessor, or licensor proves that at the time the contract was entered into the purchaser, lessee, or licensee had the option of purchasing the article or obtaining a lease or licence on reasonable terms, without such conditions as aforesaid; and

(ii) the contract entitles the purchaser, lessee, or licensee to relieve himself of his liability to observe any such condition on giving the other party three months notice in writing, and on payment in compensation for

such relief in the case of a purchase of such sum, or in the case of a lease or licence of such rent or royalty for the residue of the term of the contract, as may be fixed by an arbitrator appointed by the Board of Trade.

(2) Any contract relating to the lease of, or licence to use or work, any patented article or patented process, whether made before or after the passing of this Act, may at any time after the patent or all the patents, by which the article or process was protected at the time of the making of the contract, has or have ceased to be in force, and notwithstanding anything in the same or in any other contract to the contrary, be determined by either party on giving three months' notice in writing to the other party; but, where any such notice is given determining any contract made before the passing of this Act, the party giving the notice shall be liable to pay such compensation as, failing agreement, may be awarded by an arbitrator appointed by the Board of Trade.

(3) Any contract made before the passing of this Act relating to the lease of, or licence to use or work, any patented article or process and containing any condition which, had the contract been made after the passing of this Act, would by virtue of this section have been null and void may, at any time before the contract is determinable under the last preceding subsection, and, notwithstanding anything in the same or any other contract to the contrary, be determined by either party on giving three months' notice in writing to the other party, but, where any such notice is given, the party giving the notice shall be liable to pay such compensation as, failing agreement, may be awarded by an arbitrator appointed by the Board of Trade.

(4) The insertion by the patentee in a contract, made after the passing of this Act, of any condition which by virtue of this section is null and void shall be available as a defence to an action for infringement of the patent, to which the contract relates, brought while that contract is in force.

(5) Nothing in this section shall—

(*a*) affect any condition in a contract whereby a person is prohibited from selling any goods other than those of a particular person; or

(*b*) be construed as validating any contract which would, apart from this section, be invalid; or

(*c*) affect any right of determining a contract or condition in a contract exerciseable independently of this section; or

(*d*) affect any condition in a contract for the lease of or licence to use a patented article, whereby the lessor or licensor reserves to himself or his nominees the right to supply such new parts of the patented article as may be required to put or keep it in repair.

Defences to actions for infringement, &c.

25. Any ground on which a patent may be revoked under this Act or as an alternative to the grant of a compulsory licence under section three of the Patents Act, 1902, as amended by this Act, shall be available by way of a defence to an action for infringement, and shall also be a ground of revocation under section twenty-six of the principal Act.

Power to counterclaim for revocation in an action for infringement.

26. A defendant in an action for infringement of a patent, if entitled to present a petition to the court for the revocation of the patent, may, without presenting such a petition, apply in accordance with the rules of the Supreme Court by way of counter-claim in the action for the revocation of the patent.

Exemption of innocent infringer from liability for damages.

27. A patentee shall not be entitled to recover any damages in respect of any infringement of a patent, granted after the commencement of this Act, from any defendant who proves that at the date of such infringement he was not aware, nor had reasonable means of making himself aware, of the existence of the patent, and the marking of an article with the word "patent," "patented" or any word or words expressing or implying that a patent has been obtained for the article, stamped, engraved, impressed on, or otherwise applied to the article, shall not be deemed to constitute notice of the existence of the patent unless the word or words are accompanied by the year and number of the patent:

Provided that nothing in this section shall affect any proceedings for an injunction.

Provisions as to appeals and references to the court.

28. Where by virtue of this Act a decision of the comptroller is subject to an appeal to the court, or a petition may be referred or presented to the court, the appeal shall, subject to and in accordance with rules of the Supreme Court, be made and the petition referred or presented to such judge of the High Court as the Lord Chancellor may select for the purpose, and the decision of that judge shall be final, except in the case of an appeal from a decision of the comptroller revoking a patent on any ground on which the grant of such patent might have been opposed.

PART II.

DESIGNS.

Application for the registration of designs.

29. The following subsections shall be inserted at the end of section forty-seven of the principal Act (which relates to applications for the registration of designs):—

"(8) An application which, owing to any default or neglect on the part of the applicant, has not been completed so as to enable registration to be effected within the prescribed time shall be deemed to be abandoned.

"(9) Where an application has been abandoned or refused, the application and any drawings, photographs,

tracings, representations, or specimens left in connexion with the application shall not at any time be open to public inspection or be published by the comptroller.

"(10) A design when registered shall be registered as of the date of the application for registration."

Rules as to applications for registration of designs.

30. Rules may be made under the principal Act for regulating the matters dealt with in subsections two and three of section forty-seven and in section forty-eight of the principal Act, which relate to the form and manner in which applications for the registration of designs are to be made, and on the coming into operation of any such rules the said enactments shall be repealed.

Copyright in designs.

31.—(1) At the end of subsection (1) of section fifty of the principal Act (which relates to the term of copyright in a registered design) the following paragraph shall be added :—

"If within the prescribed time before the expiration of the said five years application for the extension of the period of copyright is made to the comptroller in the prescribed manner, the comptroller shall, on payment of the prescribed fee, extend the period of copyright for a second period of five years from the expiration of the original period of five years. If within the prescribed time before the expiration of such second period of five years application for the extension of the period of copyright is made to the comptroller in the prescribed manner, the comptroller may, subject to any rules under the principal Act, on payment of the prescribed fee, extend the period of copyright for a third period of five years from the expiration of the second period of five years."

(2) The disclosure of a design by the proprietor to any other person, in such circumstances as would make it contrary to good faith for that other person to use or publish the design, and the disclosure of a design in breach of good faith by any person other than the proprietor of the design, and the acceptance of a first and confidential order for goods bearing a new or original textile design intended for registration, shall not be deemed to be a publication of the design sufficient to invalidate the copyright thereof if registration thereof is obtained subsequently to the disclosure or acceptance.

Marking of registered designs.

32.—(1) So much of section fifty-one of the principal Act as provides that the copyright in a registered design shall cease if the proprietor fails to comply with the requirements of that section with respect to the marking of articles to which the design has been applied is hereby repealed; but, in the event of any failure to comply with any such requirements, the proprietor of the design shall not be entitled to recover any penalty

or damages in respect of any infringement of his copyright in the design, unless he shows that he took all proper steps to ensure the marking of the articles, or unless he shows that the infringement took place after the person guilty thereof knew or had received notice of the existence of copyright in the design.

(2) Where a representation is made to the Board of Trade by or on behalf of any trade or industry that in the interests of the trade or industry it is expedient to dispense with or modify, as regards any class or description of articles, any of the requirements of the said section fifty-one as to marking, the Board may, if they think fit, by rule under the principal Act dispense with or modify such requirements as regards any such class or description of articles to such extent and subject to such conditions as they think fit.

Registration of designs.

33. Where a design has been registered in one or more classes of goods the application of the proprietor of the design to register it in some one or more other classes shall not be refused nor shall the registration thereof be invalidated—

(*a*) on the ground of the design not being a new and original design by reason only that it was so previously registered; or

(*b*) on the ground of the design having been previously published in the United Kingdom by reason only that it has been applied to goods of any class in which it was so previously registered.

Inspection of registered designs.

34.—(1) In section fifty-two of the principal Act (which prohibits the inspection of a design during the existence of the copyright in the design) after the words "during the existence of copyright in a design" there shall be inserted the words "or "such shorter period, not being less than two years from the "registration of a design as may be prescribed," and for the words "when the copyright in a design has ceased" there shall be substituted the words "after the expiration of the copyright "in the design or such shorter period as aforesaid."

(2) At the end of the same section the following subsection shall be added:—

"(3) Different periods may be prescribed under this section for different classes of goods."

Cancellation of registration of designs used wholly or mainly abroad.

35. At any time after the registration of a design any person may apply to the comptroller for the cancellation of the registration on the ground that the design is used for manufacture exclusively or mainly outside the United Kingdom, and where such an application is made the provisions of this Act with respect to the revocation of patents worked outside the United Kingdom including those relating to costs shall apply with the necessary modifications, except that there shall be no

appeal from the decision of the comptroller. Such ground as aforesaid shall be available by way of a defence to an action for infringement of the copyright in the design.

Penalty and damages in respect of piracy of registered design.

36.—(1) In section fifty-eight of the principal Act (which imposes penalties on the piracy of registered designs), at the end of paragraph (*a*) there shall be inserted the words "or to "do anything with a view to enabling the design to be so "applied."

(2) In the same section, after the words "publish or expose" there shall be inserted the words "or cause to be published or exposed."

(3) The following shall be substituted for section fifty-nine of the principal Act (which relates to actions for damages for infringement of registered designs):—

"Notwithstanding the remedy given by this Act for the recovery of such penalty as aforesaid, the registered proprietor of any design may, if he elects to do so, bring an action for the recovery of any damages arising from any acts to which a penalty is attached by this Act, and for an injunction against the repetition thereof."

Application of sections 31 and 32 of principal Act to designs.

37. Section thirty-one of the principal Act (which relates to the certificates of validity of a patent) and section thirty-two of the same Act (which relates to the remedy in case of groundless threats of legal proceedings) shall apply in the case of registered designs in like manner as they apply in the case of patents, with the substitution of references to the copyright in a design for references to a patent, and of references to the proprietor of a design for references to the patentee, and of references to the design for references to the invention.

Part III.

General.

Rules as to branch offices.

38. Rules under the principal Act may provide for the establishment of branch offices for designs at Manchester or elsewhere, and for any document or thing, required by the principal Act to be sent to or done at the Patent Office, being sent to or done at any branch office which may be established.

Entries in registers.

39. In section eighty-seven of the principal Act (which relates to entries in registers of patents and designs) the following paragraph shall be inserted after the words "as the case may be," where they first occur:—

"When any person becomes entitled as mortgagee, licensee, or otherwise to any interest in a patent or design, the comptroller shall, on request and on proof of title to his satisfaction, cause notice of the interest to be entered in the prescribed manner in the register of patents or designs as the case may be."

Rectification of registers by court.

40. The following section shall be substituted for section ninety of the principal Act (which relates to the rectification of registers of patents and designs by the court):—

"(1) The court may, on the application in the prescribed manner of any person aggrieved by the non-insertion in or omission from the register of patents or designs of any entry, or by any entry made in either such register without sufficient cause, or by any entry wrongly remaining on either such register, or by an error or defect in any entry in either such register, make such order for making, expunging, or varying such entry as it may think fit.

"(2) The court may in any proceeding under this section decide any question that it may be necessary or expedient to decide in connexion with the rectification of a register.

"(3) The prescribed notice of any application under this section shall be given to the comptroller, who shall have the right to appear and be heard thereon, and shall appear if so directed by the court.

"(4) Any order of the court rectifying a register shall direct that notice of the rectification be served upon the comptroller in the prescribed manner, who shall upon the receipt of such notice rectify the register accordingly."

Correction of clerical errors.

41. The following section shall be substituted for section ninety-one of the principal Act, which relates to the correction of clerical errors:—

"The comptroller may on request in writing accompanied by the prescribed fee—

"(*a*) correct any clerical error in or in connexion with an application for a patent or in any patent or any specification;

"(*b*) cancel the registration of a design either wholly or in respect of any particular goods in connexion with which the design is registered;

"(*c*) correct any clerical error in the representation of a design or in the name or address of the proprietor of any patent or design, or in any other matter which is entered upon the register of patents or the register of designs."

Excluded days.

42. Where the last day fixed by the principal Act for doing anything under that Act falls on any day specified in rules under that Act as an excluded day, the rules may provide for the thing being done on the next following day not being an excluded day, and section ninety-eight of the principal Act is hereby repealed.

Penalties for false representations.

43. The following subsection shall be added to section one hundred and five of the principal Act (which imposes penalties for false representations) :—

"(3) Any person who, after the copyright in a design has expired, puts or causes to be put on any article to which the design has been applied the word 'registered,' or any word or words implying that there is a subsisting copyright in the design, shall be liable on summary conviction to a fine not exceeding five pounds."

Royal Arms.

44. The following section shall be substituted for section one hundred and six of the principal Act :—

"(1) The grant of a patent under this Act shall not be deemed to authorise the patentee to use the Royal Arms or to place the Royal Arms on any patented article.

"(2) If any person, without the authority of His Majesty, uses in connexion with any business, trade, calling, or profession the Royal Arms (or arms so nearly resembling them as to be calculated to deceive) in such manner as to be calculated to lead to the belief that he is duly authorised to use the Royal Arms, he shall be liable on summary conviction to a fine not exceeding twenty pounds: Provided that nothing in this section shall be construed as affecting the right, if any, of the proprietor of a trade mark containing such arms to continue to use such trade mark."

Evidence before comptroller.

45.—(1) Subject to rules under the principal Act, in any proceeding under the principal Act or this Act before the comptroller, the evidence shall be given by statutory declaration in the absence of directions to the contrary; but, in any case in which the comptroller thinks it right so to do, he may take evidence vivâ voce in lieu of or in addition to evidence by declaration, or allow any declarant to be cross-examined on his declaration. Any such statutory declaration may in the case of appeal be used before the court in lieu of evidence by affidavit, but, if so used, shall have all the incidents and consequences of evidence by affidavit.

(2) In case any part of the evidence is taken vivâ voce, the comptroller shall, in respect of requiring the attendance of witnesses and taking evidence on oath, be in the same position in all respects as an official referee of the Supreme Court.

Costs and security for costs.

46.—(1) The Comptroller shall, in proceedings relating to an opposition to the grant of a patent or to an application for the amendment of a specification or the revocation of a patent, have power, by order, to award to any party such costs as he may consider reasonable, and to direct how and by what parties

Session and Chapter.	Short Title.	Extent of Repeal.
46 & 47 Vict. c. 57—*cont.*	The Patents, Designs, and Trade Marks, Act, 1883.	Section fifty-one, from "and if he fails" to the end of the section. Section fifty-four. Section fifty-nine. Section ninety. Section ninety-one. Section ninety-eight. Section one hundred and six.
51 & 52 Vict. c. 50.	The Patents, Designs, and Trade Marks Act, 1888.	Section twenty-four.
2 Edw. 7. c. 4.	The Patents Act, 1902	In section three, the subsections numbered (5), (6), (8), (9) and (10).

Amended by the Patents and Designs Act 1914.

Amended by the Patents and Designs Act 1919 and the Patents and Designs (Convention) Act 1928 and the Patents and Designs Act 1932 and the Patents (International Conventions) Act 1938

CHAPTER 29.

An Act to consolidate the enactments relating to Patents for Inventions and the Registration of Designs and certain enactments relating to Trade Marks.

[28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I. PATENTS.

PART I.

PATENTS.

Application for and Grant of Patent.

Application.

1.—(1) An application for a patent may be made by any person who claims to be the true and first inventor of an invention, whether he is a British subject or not, and whether alone or jointly with any other person.

(2) The application must be made in the prescribed form, and must be left at, or sent by post to, the patent office in the prescribed manner.

(3) The application must contain a declaration to the effect that the applicant is in possession of an invention, whereof he, or in the case of a joint application one at least of the applicants, claims to be the true and first inventor, and for which he desires to obtain a patent, and must be accompanied by either a provisional or complete specification.

(4) The declaration required by this section may be either a statutory declaration or not, as may be prescribed.

Specifications.

2.—(1) A provisional specification must describe the nature of the invention.

(2) A complete specification must particularly describe and ascertain the nature of the invention and the manner in which the same is to be performed.

(3) In the case of any provisional or complete specification where the comptroller deems it desirable he may require that suitable drawings shall be supplied with the specification, or at any time before the acceptance of the same, and such drawings shall be deemed to form part of the said specification.

(4) A specification, whether provisional or complete, must commence with the title, and in the case of a complete specification must end with a distinct statement of the invention claimed.

(5) Where the invention in respect of which an application is made is a chemical invention, such typical samples and specimens as may be prescribed shall, if in any particular case the comptroller considers it desirable so to require, be furnished before the acceptance of the complete specification.

Proceedings upon application.

3.—(1) The Comptroller General of Patents, Designs, and Trade Marks (herein-after referred to as the comptroller) shall refer every application to an examiner.

(2) If the examiner reports that the nature of the invention is not fairly described, or that the application, specification, or drawings have not been prepared in the prescribed manner, or that the title does not sufficiently indicate the subject-matter of the invention, the comptroller may refuse to accept the application or require that the application, specification, or drawings be amended before he proceeds with the application; and in the latter case the application shall, if the comptroller so directs, bear date as from the time when the requirement is complied with.

(3) Where the comptroller refuses to accept an application or requires an amendment, the applicant may appeal from his decision to the law officer, who shall, if required, hear the applicant and the comptroller, and may make an order determining whether and subject to what conditions (if any) the application shall be accepted.

(4) The comptroller shall, when an application has been accepted, give notice thereof to the applicant.

Provisional protection.

4. Where an application for a patent in respect of an invention has been accepted, the invention may during the period between the date of the application and the date of sealing such patent be used and published without prejudice to the patent to be granted for the invention; and such protection from the consequences of use and publication is in this Act referred to as provisional protection.

Time for leaving complete specification.

5.—(1) If the applicant does not leave a complete specification with his application, he may leave it at any subsequent time within six months from the date of the application.

Provided that, where an application is made for an extension of the time for leaving a complete specification, the comptroller

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Time for leaving complete specification.

5.—(1) If the applicant does not leave a complete specification with his application, he may leave it at any subsequent time within six months from the date of the application.

Provided that, where an application is made for an extension of the time for leaving a complete specification, the comptroller

PART I. PATENTS.

shall, on payment of the prescribed fee, grant an extension of time to the extent applied for but not exceeding one month.

(2) Unless a complete specification is so left, the application shall be deemed to be abandoned.

Comparison of provisional and complete specification.

6.—(1) Where a complete specification is left after a provisional specification, the comptroller shall refer both specifications to an examiner.

(2) If the examiner reports that the complete specification has not been prepared in the prescribed manner, the comptroller may refuse to accept the complete specification until it has been amended to his satisfaction.

(3) If the examiner reports that the invention particularly described in the complete specification is not substantially the same as that which is described in the provisional specification the comptroller may—

(*a*) refuse to accept the complete specification until it has been amended to his satisfaction; or

(*b*) (with the consent of the applicant) cancel the provisional specification and treat the application as having been made on the date at which the complete specification was left, and the application shall have effect as if made on that date:

Provided that where the complete specification includes an invention not included in the provisional specification, the comptroller may allow the original application to proceed so far as the invention included both in the provisional and in the complete specification is concerned, and treat the claim for the additional invention included in the complete specification as an application for that invention made on the date at which the complete specification was left.

(4) A refusal of the comptroller to accept a complete specification shall be subject to appeal to the law officer, who shall, if required, hear the applicant and the comptroller and may make an order determining whether and subject to what conditions (if any) the complete specification shall be accepted.

(5) Unless a complete specification is accepted within twelve months from the date of the application, the application shall (except where an appeal has been lodged) become void.

Provided that, where an application is made for an extension of time for the acceptance of a complete specification, the comptroller shall, on payment of the prescribed fee, grant an extension of time to the extent applied for but not exceeding three months.

Investigation of previous specifications in United Kingdom on applications for patents.

7.—(1) Where an application for a patent has been made and a complete specification has been left, the examiner shall, in addition to the other inquiries which he is directed to make by this Act, make a further investigation for the purpose of ascertaining whether the invention claimed has been wholly or in part claimed or described in any specification (other than a provisional specification not followed by a complete specification) published before the date of the application, and left pursuant

to any application for a patent made in the United Kingdom within fifty years next before the date of the application.

(2) If on investigation it appears that the invention has been wholly or in part claimed or described in any such specification, the applicant shall be informed thereof, and the applicant may, within such time as may be prescribed, amend his specification, and the amended specification shall be investigated in like manner as the original specification.

(3) If the comptroller is satisfied that no objection exists to the specification on the ground that the invention claimed thereby has been wholly or in part claimed or described in a previous specification as before mentioned, he shall, in the absence of any other lawful ground of objection, accept the specification.

(4) If the comptroller is not so satisfied, he shall, after hearing the applicant, and unless the objection is removed by amending the specification to the satisfaction of the comptroller, determine whether a reference to any, and if so what, prior specifications ought to be made in the specification by way of notice to the public.

Provided that the comptroller, if satisfied that the invention claimed has been wholly and specifically claimed in any specification to which the investigation has extended, may, in lieu of requiring references to be made in the applicant's specification as aforesaid, refuse to grant a patent.

(5) An appeal shall lie from the decision of the comptroller under this section to the law officer.

(6) The investigations and reports required by this section shall not be held in any way to guarantee the validity of any patent, and no liability shall be incurred by the Board of Trade or any officer thereof by reason of, or in connexion with, any such investigation or report, or any proceeding consequent thereon.

Investigation of specifications published subsequently to application.

8.—(1) An investigation under the last preceding section shall extend to specifications published after the date of the application in respect of which the investigation is made, and being specifications which have been deposited pursuant to prior applications; and that section shall, subject to rules under this Act, have effect accordingly.

(2) Where, on such an extended investigation, it appears that the invention claimed in the specification deposited pursuant to an application is wholly or in part claimed in any published specification deposited pursuant to a prior application, the applicant shall, whether or not his specification has been accepted or a patent granted to him, be afforded such facilities as may be prescribed for amending his specification, and in the event of his failing to do so the comptroller shall, in accordance with such procedure as may be prescribed, determine what reference, if any, to other specifications ought to be made in his specification by way of notice to the public.

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(3) For the purposes of this section an application shall be deemed to be prior to another application if the patent applied for when granted would be of prior date to the patent granted pursuant to that other application.

(4) This section shall come into operation at such date as the Board of Trade may by order direct, and shall apply only to applications made after that date, and the order shall be laid before both Houses of Parliament.

Advertisement on acceptance of complete specification.

9. On the acceptance of the complete specification the comptroller shall advertise the acceptance; and the application and specifications with the drawings (if any) shall be open to public inspection.

Effect of acceptance of complete specification.

10. After the acceptance of a complete specification and until the date of sealing a patent in respect thereof, or the expiration of the time for sealing, the applicant shall have the like privileges and rights as if a patent for the invention had been sealed on the date of the acceptance of the complete specification. Provided that an applicant shall not be entitled to institute any proceeding for infringement until a patent for the invention has been granted to him.

Opposition to grant of patent.

11.—(1) Any person may at any time within two months from the date of the advertisement of the acceptance of a complete specification give notice at the Patent Office of opposition to the grant of the patent on any of the following grounds:—

(*a*) that the applicant obtained the invention from him, or from a person of whom he is the legal representative; or

(*b*) that the invention has been claimed in any complete specification for a British patent which is or will be of prior date to the patent the grant of which is opposed, other than a specification deposited pursuant to an application made more than fifty years before the date of the application for such last-mentioned patent; or

(*c*) that the nature of the invention or the manner in which it is to be performed is not sufficiently or fairly described and ascertained in the complete specification; or

(*d*) that the complete specification describes or claims an invention other than that described in the provisional specification, and that such other invention forms the subject of an application made by the opponent in the interval between the leaving of the provisional specification and the leaving of the complete specification,

but on no other ground.

(2) Where such notice is given the comptroller shall give notice of the opposition to the applicant, and shall, on the expiration of those two months, after hearing the applicant and the opponent, if desirous of being heard, decide on the case.

(3) The decision of the comptroller shall be subject to appeal to the law officer, who shall, if required, hear the applicant and the opponent, if the opponent is, in his opinion, a person entitled to be heard in opposition to the grant of the patent, and shall decide the case; and the law officer may, if he thinks fit, obtain the assistance of an expert, who shall be paid such remuneration as the law officer with the consent of the Treasury may determine.

Grant and sealing of patent.

12.—(1) If there is no opposition, or, in case of opposition, if the determination is in favour of the grant of a patent, a patent shall, on payment of the prescribed fee, be granted to the applicant, or in the case of a joint application to the applicants jointly, and the comptroller shall cause the patent to be sealed with the seal of the patent office.

(2) A patent shall be sealed as soon as may be, and not after the expiration of fifteen months from the date of application, provided that—

(*a*) Where the comptroller has allowed an extension of the time within which a complete specification may be left or accepted, a further extension of four months after the said fifteen months shall be allowed for the sealing of the patent:

(*b*) Where the sealing is delayed by an appeal to the law officer, or by opposition to the grant of the patent, the patent may be sealed at such time as the law officer may direct:

(*c*) Where the patent is granted to the legal representative of an applicant who has died before the expiration of the time which would otherwise be allowed for sealing the patent, the patent may be sealed at any time within twelve months after the date of his death:

(*d*) Where in consequence of the neglect or failure of the applicant to pay any fee a patent cannot be sealed within the period allowed by this section, that period may, on payment of the prescribed fee and on compliance with the prescribed conditions, be extended to such an extent as may be prescribed, and this provision shall, in such cases as may be prescribed and subject to the prescribed conditions, apply where the period allowed for the sealing of the patent has expired before the commencement of this Act.

Date of patent.

13. Except as otherwise expressly provided by this Act, a patent shall be dated and sealed as of the date of the application: Provided that no proceedings shall be taken in respect of an infringement committed before the publication of the complete specification.

Effect, extent, and form of patent.

14.—(1) A patent sealed with the seal of the Patent Office shall have the same effect as if it were sealed with the Great

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Seal of the United Kingdom, and shall have effect throughout the United Kingdom and the Isle of Man.

Provided that a patentee may assign his patent for any place in or part of the United Kingdom, or Isle of Man, as effectually as if the patent were originally granted to extend to that place or part only.

(2) Every patent may be in the prescribed form and shall be granted for one invention only, but the specification may contain more than one claim; and it shall not be competent for any person in an action or other proceeding to take any objection to a patent on the ground that it has been granted for more than one invention.

Fraudulent applications for patents.

15.—(1) A patent granted to the true and first inventor shall not be invalidated by an application in fraud of him, or by provisional protection obtained thereon, or by any use or publication of the invention subsequent to that fraudulent application during the period of provisional protection.

(2) Where a patent has been revoked on the ground of fraud, the comptroller may, on the application of the true inventor made in accordance with the provisions of this Act, grant to him a patent in lieu of and bearing the same date as the patent so revoked:

Provided that no action shall be brought for any infringement of the patent so granted committed before the actual date when such patent was granted.

Single patent for cognate inventions.

16.—(1) Where the same applicant has put in two or more provisional specifications for inventions which are cognate or modifications one of the other, and has obtained thereby concurrent provisional protection for the same, and the comptroller is of opinion that the whole of such inventions are such as to constitute a single invention and may properly be included in one patent, he may accept one complete specification in respect of the whole of such applications and grant a single patent thereon.

(2) Such patent shall bear the date of the earliest of such applications, but, in considering the validity of the same and for the purpose of the provisions of this Act with respect to oppositions to the grant of patents, the court or the comptroller, as the case may be, shall have regard to the respective dates of the provisional specifications relating to the several matters claimed therein.

Term of Patent.

Term of patent.

17.—(1) The term limited in every patent for the duration thereof shall, save as otherwise expressly provided by this Act, be fourteen years from its date.

(2) A patent shall, notwithstanding anything therein or in this Act, cease if the patentee fails to pay the prescribed fees within the prescribed times; provided that the comptroller,

upon the application of the patentee, shall, on receipt of such additional fee, not exceeding ten pounds, as may be prescribed, enlarge the time to such an extent as may be applied for but not exceeding three months.

(3) If any proceeding is taken in respect of an infringement of the patent committed after a failure to pay any fee within the prescribed time, and before any enlargement thereof, the court before which the proceeding is proposed to be taken may, if it thinks fit, refuse to award any damages in respect of such infringement.

Extension of term of patent.

18.—(1) A patentee may, after advertising in manner provided by rules of the Supreme Court his intention to do so, present a petition to the court praying that his patent may be extended for a further term, but such petition must be presented at least six months before the time limited for the expiration of the patent.

(2) Any person may give notice to the court of objection to the extension.

(3) On the hearing of any petition under this section the patentee and any person who has given such notice of objection shall be made parties to the proceeding, and the comptroller shall be entitled to appear and be heard, and shall appear if so directed by the court.

(4) The court, in considering its decision, shall have regard to the nature and merits of the invention in relation to the public, to the profits made by the patentee as such, and to all the circumstances of the case.

(5) If it appears to the court that the patentee has been inadequately remunerated by his patent, the court may by order extend the term of the patent for a further term not exceeding seven, or, in exceptional cases, fourteen years, or may order the grant of a new patent for such term as may be specified in the order and containing any restriction, conditions and provisions the court may think fit.

There cannot be a second extension
Thompson's Pat^t
1909. 2 Ch 447
There may be an extension as to part only of valid claim
Ludgate's Pat^t
1911 2 Ch 40.
Courts are to safeguard licensees - S.C.

Patents of addition.

19.—(1) Where a patent for an invention has been applied for or granted, and the applicant or the patentee, as the case may be, applies for a further patent in respect of any improvement in or modification of the invention, he may, if he thinks fit, in his application for the further patent, request that the term limited in that patent for the duration thereof be the same as that of the original patent or so much of that term as is unexpired.

(2) Where an application containing such a request is made, a patent (herein-after referred to as a patent of addition) may be granted for such term as aforesaid.

(3) A patent of addition shall remain in force so long as the patent for the original invention remains in force, but no longer, and in respect of a patent of addition no fees shall be payable for renewal.

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(4) The grant of a patent of addition shall be conclusive evidence that the invention is a proper subject for a patent of addition, and the validity of the patent shall not be questioned on the ground that the invention ought to have been the subject of an independent patent.

Restoration of lapsed Patents.

Restoration of lapsed patents.

20.—(1) Where any patent has become void owing to the failure of the patentee to pay any prescribed fee within the prescribed time, the patentee may apply to the comptroller in the prescribed manner for an order for the restoration of the patent.

(2) Every such application shall contain a statement of the circumstances which have led to the omission of the payment of the prescribed fee.

(3) If it appears from such statement that the omission was unintentional and that no undue delay has occurred in the making of the application, the comptroller shall advertise the application in the prescribed manner, and within such time as may be prescribed any person may give notice of opposition at the Patent Office.

(4) Where such notice is given the comptroller shall notify the applicant thereof.

(5) After the expiration of the prescribed period the comptroller shall hear the case and, subject to an appeal to the court, issue an order either restoring the patent or dismissing the application: Provided that, in every order under this section restoring a patent, such provisions as may be prescribed shall be inserted for the protection of persons who may have availed themselves of the subject-matter of the patent after the patent had been announced as void in the illustrated official journal.

Amendment of Specification.

Amendment of specification by comptroller.

21.—(1) An applicant or a patentee may at any time, by request in writing left at the Patent Office, seek leave to amend his specification, including drawings forming part thereof, by way of disclaimer, correction, or explanation, stating the nature of, and the reasons for, the proposed amendment.

(2) The request and the nature of the proposed amendment shall be advertised in the prescribed manner, and at any time within one month from its first advertisement any person may give notice at the Patent Office of opposition to the amendment.

(3) Where such a notice is given the comptroller shall give notice of the opposition to the person making the request, and shall hear and decide the case.

(4) Where no notice of opposition is given, or the person so giving notice of opposition does not appear, the comptroller shall determine whether and subject to what conditions, if any, the amendment ought to be allowed.

(5) The decision of the comptroller in either case shall be subject to an appeal to the law officer, who shall, if required, hear the person making the request to amend, and, where notice of opposition has been given, the person giving that notice, if he is, in the opinion of the law officer, entitled to be heard in opposition to the request, and, where there is no opposition, the comptroller, and may make an order determining whether and subject to what conditions (if any) the amendment ought to be allowed.

(6) No amendment shall be allowed that would make the specification, as amended, claim an invention substantially larger than or substantially different from the invention claimed by the specification as it stood before amendment.

(7) Leave to amend shall be conclusive as to the right of the party to make the amendment allowed, except in case of fraud; and the amendment shall be advertised in the prescribed manner, and shall in all courts and for all purposes be deemed to form part of the specification.

(8) This section shall not apply when and so long as any action for infringement or proceeding before the court for the revocation of a patent is pending.

Amendment of specification by the court.

22. In any action for infringement of a patent or proceedings before a court for the revocation of a patent the court may by order allow the patentee to amend his specification by way of disclaimer in such manner, and subject to such terms as to costs, advertisement or otherwise, as the court may think fit:

Provided that no amendment shall be so allowed that would make the specification, as amended, claim an invention substantially larger than, or substantially different from, the invention claimed by the specification as it stood before the amendment, and where an application for such an order is made to the court notice of the application shall be given to the comptroller, and the comptroller shall have the right to appear and be heard, and shall appear if so directed by the court.

Restriction on recovery of damages.

23. Where an amendment of a specification, by way of disclaimer, correction, or explanation, has been allowed under this Act, no damages shall be given in any action in respect of the use of the invention before the disclaimer, correction, or explanation, unless the patentee establishes to the satisfaction of the court that his original claim was framed in good faith and with reasonable skill and knowledge.

Compulsory Licences and Revocation.

Compulsory licences and revocation.

24.—(1) Any person interested may present a petition to the Board of Trade alleging that the reasonable requirements of the public with respect to a patented invention have not been satisfied, and praying for the grant of a compulsory licence, or, in the alternative, for the revocation of the patent.

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(2) The Board of Trade shall consider the petition, and if the parties do not come to an arrangement between themselves the Board of Trade, if satisfied that a primâ facie case has been made out, shall refer the petition to the court, and, if the Board are not so satisfied, they may dismiss the petition.

(3) Where any such petition is referred by the Board of Trade to the court, and it is proved to the satisfaction of the court that the reasonable requirements of the public with reference to the patented invention have not been satisfied, the patentee may be ordered by the court to grant licences on such terms as the court may think just, or, if the court is of opinion that the reasonable requirements of the public will not be satisfied by the grant of licences, the patent may be revoked by order of the court.

Provided that an order of revocation shall not be made before the expiration of three years from the date of the patent, or if the patentee gives satisfactory reasons for his default.

(4) On the hearing of any petition under this section the patentee and any person claiming an interest in the patent as exclusive licensee or otherwise shall be made parties to the proceeding, and the law officer or such other counsel as he may appoint shall be entitled to appear and be heard.

(5) For the purposes of this section the reasonable requirements of the public shall not be deemed to have been satisfied—

(*a*) if by reason of the default of the patentee to manufacture to an adequate extent and supply on reasonable terms the patented article, or any parts thereof which are necessary for its efficient working, or to carry on the patented process to an adequate extent or to grant licences on reasonable terms, any existing trade or industry or the establishment of any new trade or industry in the United Kingdom is unfairly prejudiced, or the demand for the patented article or the article produced by the patented process is not reasonably met; or

(*b*) if any trade or industry in the United Kingdom is unfairly prejudiced by the conditions attached by the patentee before or after the passing of this Act to the purchase, hire, or use of the patented article or to the using or working of the patented process.

(6) An order of the court directing the grant of any licence under this section shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting a licence and made between the parties to the proceeding.

Revocation of patent.

25.—(1) Revocation of a patent may be obtained on petition to the court.

(2) Every ground on which—

(*a*) a patent might, immediately before the first day of January, one thousand eight hundred and eighty-four, have been repealed by scire facias; or

(*b*) a patent may be revoked under this Act either by the comptroller or as an alternative to the grant of a compulsory licence ;

shall be available by way of defence to an action of infringement and shall also be a ground of revocation under this section.

(3) A petition for revocation of a patent may be presented—

(*a*) by the Attorney-General or any person authorised by him ; or

(*b*) by any person alleging—

(i) that the patent was obtained in fraud of his rights, or of the rights of any person under or through whom he claims ; or

(ii) that he, or any person under or through whom he claims, was the true inventor of any invention included in the claim of the patentee ; or

(iii) that he, or any person under or through whom he claims an interest in any trade, business, or manufacture, had publicly manufactured, used, or sold, within this realm, before the date of the patent, anything claimed by the patentee as his invention.

Power of comptroller to revoke patents on certain grounds.

26.—(1) Any person who would have been entitled to oppose the grant of a patent, or is the successor in interest of a person who was so entitled, may, within two years from the date of the patent, in the prescribed manner apply to the comptroller for an order revoking the patent on any one or more of the grounds on which the grant of the patent might have been opposed.

Provided that, when an action for infringement or proceedings for the revocation of the patent are pending in any court, an application under this section shall not be made except with the leave of the court.

(2) The comptroller shall give notice of the application to the patentee, and after hearing the parties, if desirous of being heard, may make an order revoking the patent or requiring the specification relating thereto to be amended by disclaimer, correction, or explanation, or dismissing the application ; but the comptroller shall not make an order revoking the patent unless the circumstances are such as would have justified him in refusing to grant the patent, had the proceedings been proceedings in an opposition to the grant of a patent.

(3) A patentee may at any time by giving notice in the prescribed manner to the comptroller offer to surrender his patent, and the comptroller may, if after giving notice of the offer and hearing all parties who desire to be heard he thinks fit, accept the offer, and thereupon make an order for the revocation of the patent.

(4) Any decision of the comptroller under this section shall be subject to appeal to the court.

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Revocation of patents worked outside the United Kingdom.

27.—(1) At any time not less than four years after the date of a patent, and not less than one year after the passing of this Act, any person may apply to the comptroller for the revocation of the patent on the ground that the patented article or process is manufactured or carried on exclusively or mainly outside the United Kingdom.

(2) The comptroller shall consider the application, and, if after enquiry he is satisfied that the allegations contained therein are correct, then, subject to the provisions of this section, and unless the patentee proves that the patented article or process is manufactured or carried on to an adequate extent in the United Kingdom, or gives satisfactory reasons why the article or process is not so manufactured or carried on, the comptroller may make an order revoking the patent either—

(*a*) forthwith; or

(*b*) after such reasonable interval as may be specified in the order, unless in the meantime it is shown to his satisfaction that the patented article or process is manufactured or carried on within the United Kingdom to an adequate extent:

Provided that no such order shall be made which is at variance with any treaty, convention, arrangement, or engagement with any foreign country or British possession.

(3) If within the time limited in the order the patented article or process is not manufactured or carried on within the United Kingdom to an adequate extent, but the patentee gives satisfactory reasons why it is not so manufactured or carried on, the comptroller may extend the period mentioned in the previous order for such period not exceeding twelve months as may be specified in the subsequent order.

(4) Any decision of the comptroller under this section shall be subject to appeal to the court, and on any such appeal the law officer or such other counsel as he may appoint shall be entitled to appear and be heard.

Register of Patents.

Register of patents.

28.—(1) There shall be kept at the Patent Office a book called the register of patents, wherein shall be entered the names and addresses of grantees of patents, notifications of assignments and of transmissions of patents, of licences under patents, and of amendments, extensions, and revocations of patents, and such other matters affecting the validity or proprietorship of patents as may be prescribed.

(2) The register of patents existing at the commencement of this Act shall be incorporated with and form part of the register of patents under this Act.

(3) The register of patents shall be primâ facie evidence of any matters by this Act directed or authorised to be inserted therein.

(4) Copies of deeds, licences, and any other documents affecting the proprietorship in any letters patent or in any licence thereunder, must be supplied to the comptroller in the prescribed manner for filing in the Patent Office.

Crown.

Patent to bind Crown.

29. A patent shall have to all intents the like effect as against His Majesty the King as it has against a subject:

Provided that any Government department may, by themselves, their agents, contractors, or others, at any time after the application, use the invention for the services of the Crown on such terms as may, either before or after the use thereof, be agreed on, with the approval of the Treasury, between the department and the patentee, or, in default of agreement, as may be settled by the Treasury after hearing all parties interested.

Assignment to Secretary for War or the Admiralty of certain inventions.

30.—(1) The inventor of any improvement in instruments or munitions of war may (either for or without valuable consideration) assign to the Secretary of State for War or the Admiralty on behalf of His Majesty all the benefit of the invention and of any patent obtained or to be obtained for the invention; and the Secretary of State or the Admiralty may be a party to the assignment.

(2) The assignment shall effectually vest the benefit of the invention and patent in the Secretary of State or the Admiralty on behalf of His Majesty, and all covenants and agreements therein contained for keeping the invention secret and otherwise shall be valid and effectual (notwithstanding any want of valuable consideration), and may be enforced accordingly by the Secretary of State or the Admiralty.

(3) Where any such assignment has been made, the Secretary of State or the Admiralty may at any time before the publication of the complete specification certify to the comptroller that, in the interest of the public service, the particulars of the invention and of the manner in which it is to be performed should be kept secret.

(4) If the Secretary of State or the Admiralty so certify, the application and specifications, with the drawings (if any), and any amendment of the complete specification, and any copies of such documents and drawings, shall, instead of being left in the ordinary manner at the Patent Office, be delivered to the comptroller in a packet sealed by authority of the Secretary of State or the Admiralty.

(5) The packet shall, until the expiration of the term during which a patent for the invention may be in force, be kept sealed by the comptroller, and shall not be opened save under the authority of an order of the Secretary of State or the Admiralty or of the law officer.

(6) The sealed packet shall be delivered at any time during the continuance of the patent to any person authorised by the

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Secretary of State or the Admiralty to receive it, and shall if returned to the comptroller be again kept sealed by him.

(7) On the expiration of the term of the patent, the sealed packet shall be delivered to the Secretary of State or the Admiralty.

(8) Where the Secretary of State or the Admiralty certify as aforesaid, after an application for a patent has been left at the Patent Office, but before the publication of the complete specification, the application and specifications, with the drawings (if any), shall be forthwith placed in a packet sealed by authority of the comptroller, and the packet shall be subject to the foregoing provisions respecting a packet sealed by authority of the Secretary of State or the Admiralty.

(9) No proceeding by petition or otherwise shall lie for revocation of a patent granted for an invention in relation to which a certificate has been given by the Secretary of State or the Admiralty as aforesaid.

(10) No copy of any specification or other document or drawing, by this section required to be placed in a sealed packet, shall in any manner whatever be published or open to the inspection of the public, but, save as in this section otherwise directed, the provisions of this Act shall apply in respect of any such invention and patent as aforesaid.

(11) The Secretary of State or the Admiralty may at any time waive the benefit of this section with respect to any particular invention, and the specifications, documents, and drawings shall be thenceforth kept and dealt with in the ordinary way.

(12) The communication of any invention for any improvement in instruments or munitions of war to the Secretary of State or the Admiralty, or to any person or persons authorised by the Secretary of State or the Admiralty to investigate the same or the merits thereof, shall not, nor shall anything done for the purposes of the investigation, be deemed use or publication of such invention so as to prejudice the grant or validity of any patent for the same.

(13) Rules may be made under this Act, after consultation with the Secretary of State and the Admiralty, for the purpose of ensuring secrecy with respect to patents to which this section applies, and those rules may modify any of the provisions of this Act in their application to such patents as aforesaid so far as may appear necessary for the purpose aforesaid.

Legal Proceedings.

Hearing with assessor.

31.—(1) In an action or proceeding for infringement or revocation of a patent, the court may, if it think fit, and shall on the request of either of the parties to the proceeding, call in the aid of an assessor specially qualified, and try the case wholly or partially with his assistance; the action shall be tried without a jury unless the court otherwise directs.

(2) The Court of Appeal may, if they think fit, in any proceeding before them call in the aid of an assessor as aforesaid.

(3) The remuneration, if any, to be paid to an assessor under this section shall be determined by the court or the Court of Appeal, as the case may be, and be paid as part of the expenses of the execution of this Act.

Power to counterclaim for revocation in an action for infringement.

32. A defendant in an action for infringement of a patent, if entitled to present a petition to the court for the revocation of the patent, may, without presenting such a petition, apply in accordance with the rules of the Supreme Court by way of counterclaim in the action for the revocation of the patent.

Exemption of innocent infringer from liability for damages.

33. A patentee shall not be entitled to recover any damages in respect of any infringement of a patent granted after the commencement of this Act from any defendant who proves that at the date of the infringement he was not aware, nor had reasonable means of making himself aware, of the existence of the patent, and the marking of an article with the word "patent," "patented," or any word or words expressing or implying that a patent has been obtained for the article, stamped, engraved, impressed on, or otherwise applied to the article, shall not be deemed to constitute notice of the existence of the patent unless the word or words are accompanied by the year and number of the patent:

Provided that nothing in this section shall affect any proceedings for an injunction.

Order for inspection, &c., in action.

34. In an action for infringement of a patent, the court may on the application of either party make such order for an injunction inspection or account, and impose such terms and give such directions respecting the same and the proceedings thereon as the court may see fit.

Certificate of validity questioned and costs thereon.

35. In an action for infringement of a patent, the court may certify that the validity of the patent came in question; and, if the court so certifies, then in any subsequent action for infringement the plaintiff in that action on obtaining a final order or judgment in his favour shall, unless the court trying the action otherwise directs, have his full costs, charges, and expenses as between solicitor and client.

Remedy in case of groundless threats of legal proceedings.

36. Where any person claiming to be the patentee of an invention, by circulars, advertisements, or otherwise, threatens any other person with any legal proceedings or liability in respect of any alleged infringement of the patent, any person aggrieved thereby may bring an action against him, and may obtain an injunction against the continuance of such threats, and may recover such damage (if any) as he has sustained thereby, if the alleged infringement to which the threats related was not in fact an infringement of any legal rights of the person making such threats:

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Provided that this section shall not apply if the person making such threats with due diligence commences and prosecutes an action for infringement of his patent.

act'n for infringt. brought after threats act'n – Pat. held invalid – Threats act'n stayed & then dismissed with costs. Rel. for Plaintiffs to Writ & for d. & Col. Automatic Light Co 1913 1 Ch 150.

Miscellaneous.

Grant of patents to two or more persons.

37. Where, after the commencement of this Act, a patent is granted to two or more persons jointly, they shall, unless otherwise specified in the patent, be treated for the purpose of the devolution of the legal interest therein as joint tenants, but, subject to any contract to the contrary, each of such persons shall be entitled to use the invention for his own profit without accounting to the others, but shall not be entitled to grant a licence without their consent, and, if any such person dies, his beneficial interest in the patent shall devolve on his personal representatives as part of his personal estate.

Avoidance of certain conditions attached to the sale, &c. of patented articles.

38.—(1) It shall not be lawful in any contract made after the passing of this Act in relation to the sale or lease of, or licence to use or work, any article or process protected by a patent to insert a condition the effect of which will be—

(*a*) to prohibit or restrict the purchaser, lessee, or licensee from using any article or class of articles, whether patented or not, or any patented process, supplied or owned by any person other than the seller, lessor, or licensor or his nominees; or

(*b*) to require the purchaser, lessee, or licensee to acquire from the seller, lessor, or licensor, or his nominees, any article or class of articles not protected by the patent;

and any such condition shall be null and void, as being in restraint of trade and contrary to public policy.

Provided that this subsection shall not apply if—

(i) the seller, lessor, or licensor proves that at the time the contract was entered into the purchaser, lessee, or licensee had the option of purchasing the article or obtaining a lease or licence on reasonable terms, without such conditions as aforesaid; and

(ii) the contract entitles the purchaser, lessee, or licensee to relieve himself of his liability to observe any such condition on giving the other party three months' notice in writing and on payment in compensation for such relief in the case of a purchase of such sum, or in the case of a lease or licence of such rent or royalty for the residue of the term of the contract, as may be fixed by an arbitrator appointed by the Board of Trade.

(2) Any contract relating to the lease of or licence to use or work any patented article or patented process, whether made before or after the passing of this Act, may at any time after the patent or all the patents by which the article or process was

protected at the time of the making of the contract has or have ceased to be in force, and notwithstanding anything in the same or in any other contract to the contrary, be determined by either party on giving three months notice in writing to the other party; but where any such notice is given determining any contract made before the passing of this Act, the party giving the notice shall be liable to pay such compensation as, failing agreement, may be awarded by an arbitrator appointed by the Board of Trade.

(3) Any contract made before the passing of this Act relating to the lease of or licence to use or work any patented article or process and containing any condition which, had the contract been made after the passing of this Act, would by virtue of this section have been null and void may, at any time before the contract is determinable under the last preceding subsection, and notwithstanding anything in the same or any other contract to the contrary, be determined by either party on giving three months notice in writing to the other party, but where any such notice is given the party giving the notice shall be liable to pay such compensation as, failing agreement, may be awarded by an arbitrator appointed by the Board of Trade.

(4) The insertion by the patentee in a contract, made after the passing of this Act, of any condition which by virtue of this section is null and void shall be available as a defence to an action for infringement of the patent, to which the contract relates, brought while that contract is in force.

(5) Nothing in this section shall—

(*a*) affect any condition in a contract whereby a person is prohibited from selling any goods other than those of a particular person; or

(*b*) be construed as validating any contract which would, apart from this section, be invalid; or

(*c*) affect any right of determining a contract or condition in a contract exerciseable independently of this section; or

(*d*) affect any condition in a contract for the lease of or licence to use a patented article, whereby the lessor or licensor reserves to himself or his nominees the right to supply such new parts of the patented article as may be required to put or keep it in repair.

Costs and security for costs.

39.—(1) The comptroller shall, in proceedings relating to an opposition to the grant of a patent or to an application for the amendment of a specification or the revocation of a patent, have power by order to award to any party such costs as he may consider reasonable, and to direct how and by what parties they are to be paid, and any such order may be made a rule of the court.

(2) If a party giving notice of opposition to the grant of a patent or to the amendment of a specification, or applying to

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the comptroller for the revocation of a patent, or giving notice of appeal from any decision of the comptroller, neither resides nor carries on business in the United Kingdom or the Isle of Man, the comptroller, or, in case of appeal to the law officer, the law officer, may require such party to give security for costs of the proceedings or appeal, and in default of such security being given may treat the proceedings or appeal as abandoned.

Procedure on appeal to law officer.

40. The law officer may examine witnesses on oath and administer oaths for that purpose, and may make rules regulating references and appeals to the law officer and the practice and procedure before him under this Part of this Act; and in any proceeding before the law officer under this Part of this Act, the law officer may order costs to be paid by either party, and any such order may be made a rule of the court.

Provisions as to anticipation.

41.—(1) An invention, covered by any patent applied for on or after the first day of January one thousand nine hundred and five, shall not be deemed to have been anticipated by reason only of its publication in a specification left pursuant to an application made in the United Kingdom not less than fifty years before the date of the application for the patent, or of its publication in a provisional specification of any date not followed by a complete specification.

(2) A patent shall not be held to be invalid by reason only of the invention in respect of which the patent was granted, or any part thereof, having been published prior to the date of the patent, if the patentee proves to the satisfaction of the court that the publication was made without his knowledge and consent, and that the matter published was derived or obtained from him, and, if he learnt of the publication before the date of his application for the patent, that he applied for and obtained protection for his invention with all reasonable diligence after learning of the publication.

Disconformity.

42. A patent shall not be held to be invalid on the ground that the complete specification claims a further or different invention to that contained in the provisional, if the invention therein claimed, so far as it is not contained in the provisional, was novel at the date when the complete specification was put in, and the applicant was the first and true inventor thereof.

Patent on application of representative of deceased inventor.

43.—(1) If the person claiming to be inventor of an invention dies without making an application for a patent for the invention, application may be made by, and a patent for the invention granted to, his legal representative.

(2) Every such application must contain a declaration by the legal representative that he believes him to be the true and first inventor of the invention.

Loss or destruction of patent.

44. If a patent is lost or destroyed, or its non-production is accounted for to the satisfaction of the comptroller, the comptroller may at any time seal a duplicate thereof.

Provisions as to exhibitions.

45.—(1) The exhibition of an invention at an industrial or international exhibition, certified as such by the Board of Trade, or the publication of any description of the invention during the period of the holding of the exhibition, or the use of the invention for the purpose of the exhibition in the place where the exhibition is held, or the use of the invention during the period of the holding of the exhibition by any person elsewhere, without the privity or consent of the inventor, shall not prejudice the right of the inventor to apply for and obtain a patent in respect of the invention or the validity of any patent granted on the application, provided that—

(*a*) the exhibitor, before exhibiting the invention, gives the comptroller the prescribed notice of his intention to do so; and

(*b*) the application for a patent is made before or within six months from the date of the opening of the exhibition.

(2) His Majesty may by Order in Council apply this section to any exhibition mentioned in the Order in like manner as if it were an industrial or international exhibition certified as such by the Board of Trade, and any such Order may provide that the exhibitor shall be relieved from the condition of giving notice to the comptroller of his intention to exhibit, and shall be so relieved either absolutely or upon such terms and conditions as may be stated in the Order.

Publication of illustrated journal, indexes, &c.

46.—(1) The comptroller shall issue periodically an illustrated journal of patented inventions, as well as reports of patent cases decided by courts of law, and any other information that he may deem generally useful or important.

(2) Provision shall be made by the comptroller for keeping on sale copies of such journal, and also of all complete specifications of patents in force, with any accompanying drawings.

(3) The comptroller shall continue, in such form as he deems expedient, the indexes and abridgments of specifications hitherto published, and shall prepare and publish such other indexes, abridgments of specifications, catalogues, and other works relating to inventions, as he thinks fit.

Patent Museum.

47.—(1) The control and management of the Patent Museum and its contents shall remain vested in the Board of Education, subject to such directions as His Majesty in Council may think fit to give.

(2) The Board of Education may at any time require a patentee to furnish them with a model of his invention on payment to the patentee of the cost of the manufacture of the model, the amount to be settled, in case of dispute, by the Board of Trade.

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Foreign vessels in British waters.

48.—(1) A patent shall not prevent the use of an invention for the purposes of the navigation of a foreign vessel within the jurisdiction of any of His Majesty's Courts in the United Kingdom, or Isle of Man, or the use of an invention in a foreign vessel within that jurisdiction, provided it is not used therein for or in connection with the manufacture or preparation of anything intended to be sold in or exported from the United Kingdom or Isle of Man.

(2) This section shall not extend to vessels of any foreign state of which the laws do not confer corresponding rights with respect to the use of inventions in British vessels while in the ports of that state, or in the waters within the jurisdiction of its courts.

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Registration of Designs.

Application for registration of designs.

49.—(1) The comptroller may, on the application made in the prescribed form and manner of any person claiming to be the proprietor of any new or original design not previously published in the United Kingdom, register the design under this Part of this Act.

(2) The same design may be registered in more than one class, and, in case of doubt as to the class in which a design ought to be registered, the comptroller may decide the question.

(3) The comptroller may, if he thinks fit, refuse to register any design presented to him for registration, but any person aggrieved by any such refusal may appeal to the Board of Trade, and the Board shall, after hearing the applicant and the comptroller, if so required, make an order determining whether, and subject to what conditions, if any, registration is to be permitted.

(4) An application which, owing to any default or neglect on the part of the applicant, has not been completed so as to enable registration to be effected within the prescribed time shall be deemed to be abandoned.

(5) A design when registered shall be registered as of the date of the application for registration.

Registration of designs in new classes.

50. Where a design has been registered in one or more classes of goods the application of the proprietor of the design to register it in some one or more other classes shall not be refused, nor shall the registration thereof be invalidated—

(*a*) on the ground of the design not being a new and original design, by reason only that it was so previously registered; or

(*b*) on the ground of the design having been previously published in the United Kingdom, by reason only that it has been applied to goods of any class in which it was so previously registered.

Certificate of registration.

51.—(1) The comptroller shall grant a certificate of registration to the proprietor of the design when registered.

(2) The comptroller may, in case of loss of the original certificate, or in any other case in which he deems it expedient, furnish one or more copies of the certificate.

Register of designs.

52.—(1) There shall be kept at the Patent Office a book called the Register of Designs wherein shall be entered the names and addresses of proprietors of registered designs, notifications of assignments and of transmissions of registered designs, and such other matters as may be prescribed.

(2) The register of designs existing at the commencement of this Act shall be incorporated with and form part of the register of designs under this Act.

(3) The register of designs shall be primâ facie evidence of any matters by this Act directed or authorised to be entered therein.

Copyright in registered Designs.

Copyright on registration.

53.—(1) When a design is registered, the registered proprietor of the design shall, subject to the provisions of this Act, have copyright in the design during five years from the date of registration.

(2) If within the prescribed time before the expiration of the said five years application for the extension of the period of copyright is made to the comptroller in the prescribed manner, the comptroller shall on payment of the prescribed fee extend the period of copyright for a second period of five years from the expiration of the original period of five years.

(3) If within the prescribed time before the expiration of such second period of five years application for the extension of the period of copyright is made to the comptroller in the prescribed manner, the comptroller may, subject to any rules under this Act, on payment of the prescribed fee, extend the period of copyright for a third period of five years from the expiration of the second period of five years.

Requirements before delivery on sale.

54.—(1) Before delivery on sale of any articles to which a registered design has been applied, the proprietor shall—

(*a*) (if exact representations or specimens were not furnished on the application for registration), furnish to the comptroller the prescribed number of exact representations or specimens of the design; and if he fails to do so, the comptroller may erase his name from the register, and thereupon the copyright in the design shall cease; and

(*b*) cause each such article to be marked with the prescribed mark, or with the prescribed words or figures, denoting that the design is registered; and if he fails to do so the proprietor shall not be entitled to recover any penalty or damages in respect of any infringement of his copyright in the design, unless he shows that

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he took all proper steps to ensure the marking of the article, or unless he shows that the infringement took place after the person guilty thereof knew or had received notice of the existence of the copyright in the design.

(2) Where a representation is made to the Board of Trade by or on behalf of any trade or industry that in the interests of the trade or industry it is expedient to dispense with or modify, as regards any class or description of articles, any of the requirements of this section as to marking, the Board may, if they think fit, by rule under this Act dispense with or modify such requirements as regards any such class or description of articles to such extent and subject to such conditions as they think fit.

Effect of disclosure on copyright.

55. The disclosure of a design by the proprietor to any other person, in such circumstances as would make it contrary to good faith for that other person to use or publish the design, and the disclosure of a design in breach of good faith by any person other than the proprietor of the design, and the acceptance of a first and confidential order for goods bearing a new or original textile design intended for registration, shall not be deemed to be a publication of the design sufficient to invalidate the copyright thereof if registration thereof is obtained subsequently to the disclosure or acceptance.

Inspection of registered designs.

56.—(1) During the existence of copyright in a design, or such shorter period not being less than two years from the registration of the design as may be prescribed, the design shall not be open to inspection except by the proprietor or a person authorised in writing by him, or a person authorised by the comptroller or by the court, and furnishing such information as may enable the comptroller to identify the design, and shall not be open to the inspection of any person except in the presence of the comptroller, or of an officer acting under him, and on payment of the prescribed fee; and the person making the inspection shall not be entitled to take any copy of the design, or of any part thereof:

Provided that where registration of a design is refused on the ground of identity with a design already registered, the applicant for registration shall be entitled to inspect the design so registered.

(2) After the expiration of the copyright in a design, or such shorter period as aforesaid, the design shall be open to inspection, and copies thereof may be taken by any person on payment of the prescribed fee.

(3) Different periods may be prescribed under this section for different classes of goods.

Information as to existence of copyright.

57. On the request of any person furnishing such information as may enable the comptroller to identify the design, and on payment of the prescribed fee, the comptroller shall inform

such person whether the registration still exists in respect of the design, and, if so, in respect of what classes of goods, and shall state the date of registration, and the name and address of the registered proprietor.

Cancellation of registration of designs used wholly or mainly abroad.

58.—(1) At any time after the registration of a design any person may apply to the comptroller for the cancellation of the registration on the ground that the design is used for manufacture exclusively or mainly outside the United Kingdom, and where such an application is made the provisions of this Act with respect to the revocation of patents worked outside the United Kingdom (including those relating to costs) shall apply with the necessary modifications, except that there shall be no appeal from the decision of the comptroller.

(2) Such ground as aforesaid shall be available by way of a defence to an action for infringement of the copyright in the design.

Industrial and International Exhibitions.

Provisions as to exhibitions.

59.—(1) The exhibition at an industrial or international exhibition certified as such by the Board of Trade, or the exhibition elsewhere during the period of the holding of the exhibition, without the privity or consent of the proprietor, of a design, or of any article to which a design is applied, or the publication, during the holding of any such exhibition, of a description of a design, shall not prevent the design from being registered, or invalidate the registration thereof: Provided that—

(*a*) The exhibitor, before exhibiting the design or article, or publishing a description of the design, gives the comptroller the prescribed notice of his intention to do so; and

(*b*) The application for registration is made before or within six months from the date of the opening of the exhibition.

(2) His Majesty may, by Order in Council, apply this section to any exhibition mentioned in the Order in like manner as if it were an industrial or international exhibition certified as such by the Board of Trade, and any such Order may provide that the exhibitor shall be relieved from the condition of giving notice to the comptroller of his intention to exhibit, and shall be so relieved either absolutely or upon such terms and conditions as may be stated in the Order.

Legal Proceedings.

Piracy of registered design.

60.—(1) During the existence of copyright in any design it shall not be lawful for any person—

(*a*) For the purposes of sale to apply or cause to be applied to any article in any class of goods in which the design is registered the design or any fraudulent or obvious

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imitation thereof, except with the licence or written consent of the registered proprietor, or to do anything with a view to enable the design to be so applied; or,

(*b*) Knowing that the design or any fraudulent or obvious imitation thereof has been applied to any article without the consent of the registered proprietor, to publish or expose or cause to be published or exposed for sale that article.

(2) If any person acts in contravention of this section he shall be liable for every contravention to pay to the registered proprietor of the design a sum not exceeding fifty pounds, recoverable as a simple contract debt, or if the proprietor elects to bring an action for the recovery of damages for such contravention, and for an injunction against the repetition thereof, he shall be liable to pay such damages as may be awarded and to be restrained by injunction accordingly:

Provided that the total sum recoverable as a simple contract debt in respect of any one design shall not exceed one hundred pounds.

Application of certain provisions of the Act as to patents to designs.

61. The provisions of this Act with regard to certificates of the validity of a patent, and to the remedy in case of groundless threats of legal proceedings by a patentee, shall apply in the case of registered designs in like manner as they apply in the case of patents, with the substitution of references to the copyright in a design for references to a patent, and of references to the proprietor of a design for references to the patentee, and of references to the design for references to the invention.

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GENERAL.

Patent Office and Proceedings thereat.

Patent Office. 5 Edw. 7. c. 15.

62.—(1) The Treasury may continue to provide for the purposes of this Act and the Trade Marks Act, 1905, an office with all requisite buildings and conveniences, which shall be called, and is in this Act referred to as, the Patent Office.

(2) The Patent Office shall be under the immediate control of the comptroller, who shall act under the superintendence and direction of the Board of Trade.

(3) Any act or thing directed to be done by or to the comptroller may be done by or to any officer authorised by the Board of Trade.

(4) Rules under this Act may provide for the establishment of branch offices for designs at Manchester or elsewhere, and for any document or thing, required by this Act to be sent to or done at the Patent Office, being sent to or done at any branch office which may be established.

Officers and clerks.

63.—(1) There shall continue to be a comptroller-general of patents, designs, and trade marks, and the Board of Trade may, subject to the approval of the Treasury, appoint the comptroller, and so many examiners and other officers and clerks, with such designations and duties as the Board of Trade think fit, and may remove any of those officers and clerks.

(2) The salaries of those officers and clerks shall be appointed by the Board of Trade, with the concurrence of the Treasury, and those salaries and the other expenses of the execution of this Act and the Trade Marks Act, 1905, shall continue to be paid out of money provided by Parliament.

Seal of Patent Office.

64. Impressions of the seal of the Patent Office shall be judicially noticed and admitted in evidence.

Fees.

Fees.

65. There shall be paid in respect of the grant of patents and the registration of designs, and applications therefor, and in respect of other matters with relation to patents and designs under this Act, such fees as may be, with the sanction of the Treasury, prescribed by the Board of Trade, so however that the fees prescribed in respect of the instruments and matters mentioned in the First Schedule to this Act shall not exceed those specified in that Schedule.

Provisions as to Registers and other Documents in Patent Office.

Trust not to be entered in registers.

66. There shall not be entered in any register kept under this Act, or be receivable by the comptroller, any notice of any trust expressed, implied or constructive.

Inspection of and extracts from registers.

67. Every register kept under this Act shall at all convenient times be open to the inspection of the public, subject to the provisions of this Act and to such regulations as may be prescribed; and certified copies, sealed with the seal of the Patent Office, of any entry in any such register shall be given to any person requiring the same on payment of the prescribed fee.

Privilege of reports of examiners.

68. Reports of examiners made under this Act shall not in any case be published or be open to public inspection, and shall not be liable to production or inspection in any legal proceeding, unless the court or officer having power to order discovery in such legal proceeding certifies that such production or inspection is desirable in the interests of justice, and ought to be allowed.

Prohibition of publication of specification, drawings, &c. where application abandoned, &c.

69.—(1) Where an application for a patent has been abandoned, or become void, the specifications and drawings (if any) accompanying or left in connexion with such application shall not, save as otherwise expressly provided by this Act, at any time be open to public inspection or be published by the comptroller.

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(2) Where an application for a design has been abandoned or refused the application and any drawings, photographs, tracings, representations, or specimens left in connexion with the application shall not at any time be open to public inspection or be published by the comptroller.

Power for comptroller to correct clerical errors.

70. The comptroller may, on request in writing accompanied by the prescribed fee,—

(*a*) correct any clerical error in or in connexion with an application for a patent or in any patent or any specification;

(*b*) cancel the registration of a design either wholly or in respect of any particular goods in connexion with which the design is registered;

(*c*) correct any clerical error in the representation of a design or in the name or address of the proprietor of any patent or design, or in any other matter which is entered upon the register of patents or the register of designs.

Entry of assignments and transmissions in registers.

Repealed by s. 16 of the Patents & Designs Act 1919 which substitutes a new s. 71

71.—(1) Where a person becomes entitled by assignment, transmission, or other operation of law to a patent, or to the copyright in a registered design, the comptroller shall, on request and on proof of title to his satisfaction, register him as the proprietor of a patent or design.

(2) Where any person becomes entitled as mortgagee, licensee, or otherwise to any interest in a patent or design, the comptroller shall, on request and on proof of title to his satisfaction, cause notice of the interest to be entered in the prescribed manner in the register of patents or designs, as the case may be.

(3) The person registered as the proprietor of a patent or design shall, subject to the provisions of this Act and to any rights appearing from the register to be vested in any other person, have power absolutely to assign, grant licences as to, or otherwise deal with, the patent or design and to give effectual receipts for any consideration for any such assignment, licence, or dealing: Provided that any equities in respect of the patent or design may be enforced in like manner as in respect of any other personal property.

Rectification of registers by court.

72.—(1) The court may, on the application in the prescribed manner of any person aggrieved by the non-insertion in or omission from the register of patents or designs of any entry, or by any entry made in either such register without sufficient cause, or by any entry wrongly remaining on either such register, or by an error or defect in any entry in either such register, make such order for making, expunging, or varying such entry as it may think fit.

(2) The court may in any proceeding under this section decide any question that it may be necessary or expedient to decide in connexion with the rectification of a register.

(3) The prescribed notice of any application under this section shall be given to the comptroller, who shall have the right to appear and be heard thereon, and shall appear if so directed by the court.

(4) Any order of the court rectifying a register shall direct that notice of the rectification be served on the comptroller in the prescribed manner, who shall upon the receipt of such notice rectify the register accordingly.

Powers and Duties of Comptroller.

Exercise of discretionary power by comptroller.

73. Where any discretionary power is by or under this Act given to the comptroller, he shall not exercise that power adversely to the applicant for a patent, or for amendment of a specification, or for registration of a design, without (if so required within the prescribed time by the applicant) giving the applicant an opportunity of being heard.

Power of comptroller to take directions of law officers.

74. The comptroller may, in any case of doubt or difficulty arising in the administration of any of the provisions of this Act, apply to a law officer for directions in the matter.

Refusal to grant patent, &c. in certain cases.

75. The comptroller may refuse to grant a patent for an invention, or to register a design, of which the use would, in his opinion, be contrary to law or morality.

Annual reports of comptroller.

76. The comptroller shall, before the first day of June in every year, cause a report respecting the execution by or under him of this Act to be laid before both Houses of Parliament, and therein shall include for the year to which the report relates all general rules made in that year under or for the purposes of this Act, and an account of all fees, salaries, and allowances, and other money received and paid under this Act.

Evidence, &c.

Evidence before comptroller.

77.—(1) Subject to rules under this Act, in any proceeding under this Act before the comptroller, the evidence shall be given by statutory declaration in the absence of directions to the contrary; but, in any case in which the comptroller thinks it right so to do, he may take evidence vivâ voce in lieu of or in addition to evidence by declaration or allow any declarant to be cross-examined on his declaration. Any such statutory declaration may in the case of appeal be used before the court in lieu of evidence by affidavit, but if so used shall have all the incidents and consequences of evidence by affidavit.

(2) In case any part of the evidence is taken vivâ voce, the comptroller shall, in respect of requiring the attendance of witnesses and taking evidence on oath, be in the same position in all respects as an official referee of the Supreme Court.

Certificate of comptroller to be evidence.

78. A certificate purporting to be under the hand of the comptroller as to any entry, matter, or thing which he is authorised by this Act, or any general rules made thereunder, to make

PART III. GENERAL.

or do, shall be primâ facie evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or left undone.

Evidence of documents in Patent Office.

79. Printed or written copies or extracts, purporting to be certified by the comptroller and sealed with the seal of the Patent Office, of or from patents, specifications, and other documents in the Patent Office, and of or from registers and other books kept there, shall be admitted in evidence in all courts in His Majesty's dominions, and in all proceedings, without further proof or production of the originals.

Transmission of certified printed copies of specifications, &c.

80.—(1) Copies of all specifications, drawings, and amendments left at the Patent Office after the commencement of this Act, printed for and sealed with the seal of the Patent Office shall be transmitted to the Edinburgh Museum of Science and Art, and to the Enrolments Office of the Chancery Division in Ireland, and to the Rolls Office in the Isle of Man, within twenty-one days after they have been accepted or allowed at the Patent Office.

(2) Certified copies of or extracts from any such documents and of any documents so transmitted in pursuance of any enactment repealed by this Act shall be given to any person on payment of the prescribed fee; and any such copy or extract shall be admitted in evidence in all courts in Scotland and Ireland and in the Isle of Man without further proof or production of the originals.

Applications and notices by post.

81. Any application, notice, or other document authorised or required to be left, made or given at the Patent Office or to the comptroller, or to any other person under this Act, may be sent by post.

Excluded days.

82. Where the last day fixed by this Act for doing anything under this Act falls on any day specified in rules under this Act as an excluded day, the rules may provide for the thing being done on the next following day not being an excluded day.

Declaration by infant, lunatic, &c.

83.—(1) If any person is, by reason of infancy, lunacy, or other disability, incapable of making any declaration or doing anything required or permitted by or under this Act, the guardian or committee (if any) of the person subject to the disability, or, if there be none, any person appointed by any court possessing jurisdiction in respect of his property, may make such declaration or a declaration as nearly corresponding thereto as circumstances permit, and do such thing in the name and on behalf of the person subject to the disability.

(2) An appointment may be made by the court for the purposes of this section, upon the petition of any person acting on behalf of the person subject to the disability, or of any other person interested in the making of the declaration or the doing of the thing.

Register of Patent Agents.

Register of patent agents.

84.—(1) A person shall not be entitled to describe himself as a patent agent, whether by advertisement, by description on his place of business, by any document issued by him, or otherwise, unless he is registered as a patent agent in pursuance of this Act or an Act repealed by this Act.

(2) Every person who proves to the satisfaction of the Board of Trade that prior to the twenty-fourth day of December, one thousand eight hundred and eighty-eight, he had been bonâ fide practising as a patent agent shall be entitled to be registered as a patent agent in pursuance of this Act.

(3) If any person knowingly describes himself as a patent agent in contravention of this section he shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding twenty pounds.

(4) In this section "patent agent" means exclusively an agent for obtaining patents in the United Kingdom.

Agents for patents.

85.—(1) Rules under this Act may authorise the comptroller to refuse to recognise as agent in respect of any business under this Act any person whose name has been erased from the register of patent agents, or who is proved to the satisfaction of the Board of Trade, after being given an opportunity of being heard, to have been convicted of such an offence or to have been guilty of such misconduct as would have rendered him liable, if his name had been on the register of patent agents, to have his name erased therefrom, and may authorise the comptroller to refuse to recognise as agent in respect of any business under this Act any company which, if it had been an individual, the comptroller could refuse to recognise as such agent.

(2) Where a company or firm acts as agents, such rules as aforesaid may authorise the comptroller to refuse to recognise the company or firm as agent, if any person whom the comptroller could refuse to recognise as an agent acts as director or manager of the company or is a partner in the firm.

(3) The comptroller shall refuse to recognise as agent in respect of any business under this Act any person who neither resides nor has a place of business in the United Kingdom or the Isle of Man.

Powers, &c., of Board of Trade.

Power for Board of Trade to make general rules.

86.—(1) The Board of Trade may make such general rules and do such things as they think expedient, subject to the provisions of this Act—

(*a*) For regulating the practice of registration under this Act:

(*b*) For classifying goods for the purposes of designs:

(*c*) For making or requiring duplicates of specifications, drawings, and other documents:

PART III. GENERAL.

(*d*) For securing and regulating the publishing and selling of copies, at such prices and in such manner as the Board of Trade think fit, of specifications, drawings, and other documents:

(*e*) For securing and regulating the making, printing, publishing, and selling of indexes to, and abridgments of, specifications and other documents in the Patent Office; and providing for the inspection of indexes and abridgments and other documents:

(*f*) For regulating (with the approval of the Treasury) the presentation of copies of Patent Office publications to patentees and to public authorities, bodies, and institutions at home and abroad:

(*g*) For regulating the keeping of the register of patent agents under this Act:

(*h*) Generally for regulating the business of the Patent Office, and all things by this Act placed under the direction or control of the comptroller, or of the Board of Trade.

(2) General rules shall whilst in force be of the same effect as if they were contained in this Act.

(3) Any rules made in pursuance of this section shall be advertised twice in the official journal to be issued by the comptroller, and shall be laid before both Houses of Parliament as soon as practicable after they are made, and if either House of Parliament, within the next forty days after any rules have been so laid before that House, resolves that the rules or any of them ought to be annulled, the rules or those to which the resolution applies shall after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meantime under the rules or to the making of any new rules.

Proceedings of the Board of Trade.

87.—(1) All things required or authorised under this Act to be done by, to, or before the Board of Trade, may be done by, to, or before the President or a secretary or an assistant secretary of the Board.

(2) All documents purporting to be orders made by the Board of Trade, and to be sealed with the seal of the Board, or to be signed by a secretary or assistant secretary of the Board, or by any person authorised in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be such orders without further proof, unless the contrary is shown.

(3) A certificate, signed by the President of the Board of Trade, that any order made or act done is the order or act of the Board, shall be conclusive evidence of the fact so certified.

Provision as to Order in Council.

88. An Order in Council under this Act shall, from a date to be mentioned for the purpose in the Order, take effect as if it had been contained in this Act; but may be revoked or varied by a subsequent Order.

Offences.

Offences.

89.—(1) If any person makes or causes to be made a false entry in any register kept under this Act, or a writing falsely purporting to be a copy of an entry in any such register, or produces or tenders or causes to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, he shall be guilty of a misdemeanor.

(2) If any person falsely represents that any article sold by him is a patented article, or falsely describes any design applied to any article sold by him as registered, he shall be liable for every offence, on conviction under the Summary Jurisdiction Acts, to a fine not exceeding five pounds.

(3) If any person sells an article having stamped, engraved, or impressed thereon or otherwise applied thereto the word "patent," "patented," "registered," or any other word expressing or implying that the article is patented or that the design applied thereto is registered, he shall be deemed for the purposes of this section to represent that the article is a patented article or that the design applied thereto is a registered design.

(4) Any person who, after the copyright in a design has expired, puts or causes to be put on any article to which the design has been applied the word "registered," or any word or words implying that there is a subsisting copyright in the design, shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding five pounds.

(5) If any person uses on his place of business, or on any document issued by him, or otherwise, the words "Patent Office," or any other words suggesting that his place of business is officially connected with, or is, the Patent Office, he shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding twenty pounds.

Unauthorised assumption of Royal Arms.

90.—(1) The grant of a patent under this Act shall not be deemed to authorise the patentee to use the Royal Arms or to place the Royal Arms on any patented article.

(2) If any person, without the authority of His Majesty, uses in connection with any business, trade, calling, or profession the Royal Arms (or arms so nearly resembling them as to be calculated to deceive) in such manner as to be calculated to lead to the belief that he is duly authorised to use the Royal Arms, he shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding twenty pounds.

Provided that nothing in this section shall be construed as affecting the right, if any, of the proprietor of a trade mark containing such arms to continue to use such trade mark.

International and Colonial Arrangements.

International and Colonial arrangements.

91.—(1) If His Majesty is pleased to make any arrangement with the government of any foreign state for mutual protection of inventions, or designs, or trade marks, then any person who

PART III. GENERAL.

has applied for protection for any invention, design, or trade mark in that state shall be entitled to a patent for his invention or to registration of his design or trade mark under this Act or the Trade Marks Act, 1905, in priority to other applicants; and the patent or registration shall have the same date as the date of the application in the foreign state.

Provided that—

(*a*) The application is made in the case of a patent within twelve months, and in the case of a design or trade mark within four months, from the application for protection in the foreign state; and

(*b*) Nothing in this section shall entitle the patentee or proprietor of the design or trade mark to recover damages for infringements happening prior to the actual date on which his complete specification is accepted, or his design or trade mark is registered, in this country.

(2) The patent granted for the invention or the registration of a design or trade mark shall not be invalidated—

(*a*) in the case of a patent, by reason only of the publication of a description of, or use of, the invention; or

(*b*) in the case of a design, by reason only of the exhibition or use of, or the publication of a description or representation of, the design; or

(*c*) in the case of a trade mark, by reason only of the use of the trade mark,

in the United Kingdom or the Isle of Man during the period specified in this section as that within which the application may be made.

(3) The application for the grant of a patent, or the registration of a design, or the registration of a trade mark under this section, must be made in the same manner as an ordinary application under this Act or the Trade Marks Act, 1905: Provided that—

(*a*) In the case of patents the application shall be accompanied by a complete specification, which, if it is not accepted within the twelve months from the application for protection in the foreign state, shall with the drawings (if any) be open to public inspection at the expiration of that period; and

(*b*) In the case of trade marks, any trade mark the registration of which has been duly applied for in the country of origin may be registered under the Trade Marks Act, 1905.

(4) The provisions of this section shall apply only in the case of those foreign states with respect to which His Majesty by Order in Council declares them to be applicable, and so long only in the case of each state as the Order in Council continues in force with respect to that state.

(5) Where it is made to appear to His Majesty that the legislature of any British possession has made satisfactory

provision for the protection of inventions, designs, and trade marks, patented or registered in this country, it shall be lawful for His Majesty, by Order in Council, to apply the provisions of this section to that possession, with such variations or additions, if any, as may be stated in the Order.

Definitions.

Provisions as to "the court."

92.—(1) In this Act, unless the context otherwise requires, "the court" means, subject to the provisions as to Scotland, Ireland, and the Isle of Man, the High Court in England.

(2) Where by virtue of this Act a decision of the comptroller is subject to an appeal to the court, or a petition may be referred or presented to the court, the appeal shall, subject to and in accordance with rules of the Supreme Court, be made and the petition referred or presented to such judge of the High Court as the Lord Chancellor may select for the purpose, and the decision of that judge shall be final, except in the case of an appeal from a decision of the comptroller revoking a patent on any ground on which the grant of such patent might have been opposed.

Definitions.

93. In this Act, unless the context otherwise requires,—

"Law officer" means the Attorney-General or Solicitor-General for England:

"Prescribed" means prescribed by general rules under this Act:

"British possession" does not include the Isle of Man or the Channel Islands:

"Patent" means letters patent for an invention:

"Patentee" means the person for the time being entitled to the benefit of a patent:

"Invention" means any manner of new manufacture the subject of letters patent and grant of privilege within section six of the Statute of Monopolies (that is, the Act of the twenty-first year of the reign of King James the First, chapter three, intituled "An Act "concerning monopolies and dispensations with penal "laws and the forfeiture thereof"), and includes an alleged invention:

"Inventor" and "applicant" shall, subject to the provisions of this Act, include the legal representative of a deceased inventor or applicant:

"Design" means any design (not being a design for a sculpture or other thing within the protection of the Sculpture Copyright Act, 1814) applicable to any article, whether the design is applicable for the pattern, or for the shape or configuration, or for the ornament thereof, or for any two or more of such purposes, and by whatever means it is applicable, whether by printing, painting, embroidering, weaving, sewing, modelling, casting, embossing, engraving, 54 Geo. 3. c. 56.

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staining, or any other means whatever, manual, mechanical, or chemical, separate or combined:

"Article" means (as respects designs) any article of manufacture and any substance artificial or natural, or partly artificial and partly natural:

"Copyright" means the exclusive right to apply a design to any article in any class in which the design is registered:

"Proprietor of a new and original design,"—

(*a*) Where the author of the design, for good consideration, executes the work for some other person, means the person for whom the design is so executed; and

(*b*) Where any person acquires the design or the right to apply the design to any article, either exclusively of any other person or otherwise, means, in the respect and to the extent in and to which the design or right has been so acquired, the person by whom the design or right is so acquired; and

(*c*) In any other case, means the author of the design;

and where the property in, or the right to apply, the design has devolved from the original proprietor upon any other person, includes that other person.

Application to Scotland, Ireland, and the Isle of Man.

Application to Scotland.

94. In the application of this Act to Scotland—

(1) In any action for infringement of a patent in Scotland the provisions of this Act with respect to calling in the aid of an assessor shall apply, and the action shall be tried without a jury, unless the court otherwise direct, but otherwise nothing shall affect the jurisdiction and forms of process of the courts in Scotland in such an action or in any action or proceeding respecting a patent hitherto competent to those courts; and for the purposes of the provisions so applied "court of appeal" shall mean any court to which such action is appealed:

(2) Any offence under this Act declared to be punishable on conviction under the Summary Jurisdiction Acts may be prosecuted in the sheriff court:

(3) Proceedings for revocation of a patent shall be in the form of an action of reduction at the instance of the Lord Advocate, or at the instance of a party having interest with his concurrence, which concurrence may be given on just cause shown only, and service of all writs and summonses in that action shall be made according to the forms and practice existing at the commencement of this Act:

(4) The provisions of this Act, conferring a special jurisdiction on the court as defined by this Act, shall not, except so far as the jurisdiction extends, affect the jurisdiction of any court in Scotland in any proceedings relating to patents or to designs; and with reference to any such proceedings, the term "the Court" shall mean any Lord Ordinary of the Court of Session, and the term "Court of Appeal" shall mean either Division of that Court:

(5) Notwithstanding anything in this Act, the expression "the court" shall, as respects petitions for compulsory licences or revocation which are referred by the Board of Trade to the Court in Scotland, mean any Lord Ordinary of the Court of Session, and shall in reference to proceedings in Scotland for the extension of the term of a patent mean such Lord Ordinary:

(6) The expression "Rules of the Supreme Court" shall, except in section ninety-two of this Act, mean Act of sederunt:

(7) If any rectification of a register under this Act is required in pursuance of any proceeding in a court, a copy of the order, decree, or other authority for the rectification, shall be served on the comptroller, and he shall rectify the register accordingly:

(8) The expression "injunction" means "interdict."

Application to Ireland.

95. In the application of this Act to Ireland—

(1) All parties shall, notwithstanding anything in this Act, have in Ireland their remedies under or in respect of a patent as if the same had been granted to extend to Ireland only:

(2) The provisions of this Act conferring a special jurisdiction on the court, as defined by this Act, shall not, except so far as the jurisdiction extends, affect the jurisdiction of any court in Ireland in any proceedings relating to patents or to designs; and with reference to any such proceedings the term "the Court" means the High Court in Ireland:

(3) If any rectification of a register under this Act is required in pursuance of any proceeding in a court, a copy of the order, decree, or other authority for the rectification shall be served on the comptroller, and he shall rectify the register accordingly.

Isle of Man.

96. This Act shall extend to the Isle of Man, subject to the following modifications:—

(1) Nothing in this Act shall affect the jurisdiction of the courts in the Isle of Man in proceedings for infringement, or in any action or proceeding respecting a patent or design competent to those courts:

Part III. General.

(2) The punishment for a misdemeanor under this Act in the Isle of Man shall be imprisonment for any term not exceeding two years, with or without hard labour, and with or without a fine not exceeding one hundred pounds, at the discretion of the court:

(3) Any offence under this Act committed in the Isle of Man which would in England be punishable on summary conviction may be prosecuted, and any fine in respect thereof recovered, at the instance of any person aggrieved, in the manner in which offences punishable on summary conviction may for the time being be prosecuted.

Repeal, Savings, and Short Title.

Saving for prerogative.

97. Nothing in this Act shall take away, abridge, or prejudicially affect the prerogative of the Crown in relation to the granting of any letters patent or to the withholding of a grant thereof.

Repeal and savings.

98.—(1) The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule—

(*a*) As respects the enactments mentioned in Part I. of that Schedule, as from the commencement of this Act;

(*b*) As respects the enactments mentioned in Part II. of that Schedule, as from the date when rules of the Supreme Court regulating the matters dealt with in those enactments come into operation;

(*c*) As respects the enactments mentioned in Part III. of that schedule, as from the date when rules under this Act regulating the matters dealt with in those enactments come into operation;

and the enactments mentioned in Part II. and Part III. of that Schedule shall, until so repealed, have effect as if they formed part of this Act:

Provided that this repeal shall not affect any convention, Order in Council, rule or table of fees having effect under any enactment so repealed, but any such convention, Order in Council, rule or table of fees in force at the commencement of this Act shall continue in force, and may be repealed, altered or amended, as if it had been made under this Act.

(2) Except where otherwise expressly provided, this Act shall extend to all patents granted and all designs registered before the commencement of this Act, and to applications then pending, in substitution for such enactments as would have applied thereto if this Act had not been passed.

Short title and commencement.

99. This Act may be cited as the Patents and Designs Act, 1907, and shall, save as otherwise expressly provided, come into operation on the first day of January one thousand nine hundred and eight.

SCHEDULES.

Section 65.

FIRST SCHEDULE.

FEES ON INSTRUMENTS FOR OBTAINING PATENTS AND RENEWAL.

(*a*) *Up to sealing.*

	£ s. d.	£ s. d.
On application for provisional protection - -	1 0 0	
On filing complete specification - - -	3 0 0	
		4 0 0
or		
On filing complete specification with first application -		4 0 0
On the sealing of the patent in respect of investigations as to anticipation - - - - - -		1 0 0
(*b*) *Further before end of four years from date of patent.*		
On certificate of renewal - - - - -		50 0 0
(*c*) *Further before end of eight years from date of patent.*		
On certificate of renewal - - - - -		100 0 0

Or in lieu of the fees of £50 *and* £100 *the following annual fees:*

Before the expiration of the fourth year from the date of the patent						10 0 0
,,	,,	,,	fifth	,,	,,	10 0 0
,,	,,	,,	sixth	,,	,,	10 0 0
,,	,,	,,	seventh	,,	,,	10 0 0
,,	,,	,,	eighth	,,	,,	15 0 0
,,	,,	,,	ninth	,,	,,	15 0 0
,,	,,	,,	tenth	,,	,,	20 0 0
,,	,,	,,	eleventh	,,	,,	20 0 0
,,	,,	,,	twelfth	,,	,,	20 0 0
,,	,,	,,	thirteenth	,,	,,	20 0 0

SECOND SCHEDULE.

Section 98.

ENACTMENTS REPEALED.

PART I.

Session and Chapter.	Short Title.	Extent of Repeal.
46 & 47 Vict. c. 57.	The Patents, Designs, and Trade Marks Act, 1883.	The whole Act, except sub-sections (5), (6), and (7) of section twenty-six, section twenty-nine, sub sections (2) and (3) of section forty-seven, and section forty-eight.

Session and Chapter.	Short Title.	Extent of Repeal.
48 & 49 Vict. c. 63.	The Patents, Designs, and Trade Marks (Amendment) Act, 1885.	The whole Act.
49 & 50 Vict. c. 37.	The Patents Act, 1886 -	The whole Act.
51 & 52 Vict. c. 50.	The Patents, Designs, and Trade Marks Act, 1888.	The whole Act.
1 Edw. 7. c. 18	The Patents Act, 1901 -	The whole Act.
2 Edw. 7. c. 34	The Patents Act, 1902 -	The whole Act.
7 Edw. 7. c. 28	The Patents and Designs (Amendment) Act, 1907.	The whole Act.

PART II.

Session and Chapter.	Short Title.	Extent of Repeal.
46 & 47 Vict. c. 57.	The Patents, Designs, and Trade Marks Act, 1883.	Subsections (5), (6) and (7) of section twenty-six, and section twenty-nine.

PART III.

Session and Chapter.	Short Title.	Extent of Repeal.
46 & 47 Vict. c. 57.	The Patents, Designs, and Trade Marks Act, 1883.	Subsections (2) and (3) of section forty-seven and section forty-eight.

CHAPTER 30.

An Act to amend sections fifty-seven, fifty-eight, and fifty-nine of the Public Health (Scotland) Act, 1897, relating to the prevention of infectious diseases.

[28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Substitution of precautionary for prohibitory provisions as to infection. 60 & 61 Vict. c. 38.

1.—(1) Section fifty-seven of the Public Health (Scotland) Act, 1897, shall be read as if the words "that proper precautions "against spreading disease or infection have been taken, and "that such child may attend school without the risk of infecting "others" were substituted for the words "that such child has "become free from disease and infection, and that the house

" and everything therein exposed to infection has been dis-
" infected to the satisfaction of such medical officer or medical
" practitioner."

(2) Section fifty-eight of the said Act shall be read as if the words " shall (*a*) without proper precautions against spreading " such disease or infection, milk any animal, or pick fruit, or " engage in any occupation connected with food, or shall (*b*) " were substituted for the words " shall milk any animal, or pick " fruit, or shall engage in any occupation connected with food, " or ; " and as if the words " or infection, and any person who " knowingly " were substituted for the words " and any person " who knowing himself to be suffering from any infectious " disease."

(3) Section fifty-nine of the said Act shall be read as if the words " unless in every such case as aforesaid proper precautions " have been taken against spreading such disease or infection ; " and any person contravening any of the foregoing provisions " shall be liable to a penalty not exceeding ten pounds ; and if " without such precautions " were substituted for the words " and any person contravening any of the foregoing provisions " shall be liable to a penalty not exceeding ten pounds ; and if."

Short title and extent.

2. This Act shall apply to Scotland only, and may be cited as the Public Health (Scotland) Amendment Act, 1907 ; and the Public Health (Scotland) Act, 1897, and this Act may be cited collectively as the Public Health (Scotland) Acts, 1897 to 1907.

CHAPTER 31.

An Act to substitute a Statutory Declaration for the Certificate required under section two of the Vaccination Act, 1898, of Conscientious Objection.

[28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Substitution of statutory declaration as to conscientious objection for certificate of justices. 61 & 62 Vict. c. 49. 30 & 31 Vict. c. 84.

1. The Vaccination Act, 1898, shall be read as if the following section were substituted for section two of that Act :—

(1) No parent or other person shall be liable to any penalty, under section twenty-nine or section thirty-one of the Vaccination Act of 1867, if within four months from the birth of the child he makes a statutory declaration that he conscientiously believes that vaccination would be prejudicial to the health of the child, and within seven days thereafter delivers or sends by post the declaration to the vaccination officer of the district.

(2) A statutory declaration made for the purposes of this section shall be exempt from stamp duty.

(3) A statutory declaration for the purposes of this section shall be made in the form set out in the schedule to this Act, or in a form to the like effect.

Repeal.

2. Section two of the Vaccination Act, 1898, is hereby repealed, but the repeal shall not affect the operation of any certificate obtained before the commencement of this Act.

Commencement and short title.

3.—(1) This Act shall come into operation on the first day of January nineteen hundred and eight.

(2) This Act may be cited as the Vaccination Act, 1907, and may be cited with the Vaccination Acts, 1867 to 1898.

Section 1.

SCHEDULE.

FORM OF DECLARATION.

I, *A.B.*, of in the parish of in the county of being the parent [*or* person having the custody] of a child named *C.D.*, who was born on the day of 19 , do hereby solemnly and sincerely declare that I conscientiously believe that vaccination would be prejudicial to the health of the child, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Dated this day of 19 .

Signed, *A.B.*

Declared before me, at on the day of

E.F.,

a Commissioner for Oaths [*or* Justice of the Peace, *or* other officer authorised to receive a statutory declaration].

CHAPTER 32.

An Act to enable regulations to be made for the prevention of danger arising to public health from the importation, preparation, storage, and distribution of articles of food.

[28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to make regulations as to the importation, preparation, storage, and distribution of articles of food. 59 & 60 Vict. c. 19.

1.—(1) The power of making regulations under the Public Health Act, 1896, and the enactments mentioned in that Act, shall include the power of making regulations authorising measures to be taken for the prevention of danger arising to public health from the importation, preparation, storage, and distribution of articles of food or drink (other than drugs or water) intended for sale for human consumption, and, without prejudice to the generality of the powers so conferred, the regulations may—

(*a*) provide for the examination and taking of samples of any such articles;

(*b*) apply, as respects any matters to be dealt with by the regulations, any provision in any Act of Parliament dealing with the like matters, with the necessary modifications and adaptations;

(*c*) provide for the recovery of any charges authorised to be made by the regulations for the purposes of the regulations or any services performed thereunder.

(2) For the purposes of regulations made under this Act, articles commonly used for the food or drink of man shall be deemed to be intended for sale for human consumption unless the contrary is proved.

(3) In the application of this Act to Scotland, Part IV. of the Public Health (Scotland) Act, 1897, shall be substituted for the Public Health Act, 1896. 60 & 61 Vict. c. 38.

Publication of regulations. 56 & 57 Vict. c. 66.

2. All regulations made under this Act shall be laid as soon as may be before Parliament, and the Rules Publication Act, 1893, shall apply to such regulations as if they were statutory rules within the meaning of section one of that Act, and that Act as so applied shall, notwithstanding anything in subsection five of section one thereof, extend to Scotland, with the substitution of a reference to the Edinburgh Gazette for the reference to the London Gazette.

Short title.

3. This Act may be cited as the Public Health (Regulations as to Food) Act, 1907.

CHAPTER 33.

An Act to amend the Law relating to the capacity of Women to be elected and act as Members of County or Borough Councils. [28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Provision as to capacity of women to be

1.—(1) A woman shall not be disqualified by sex or marriage for being elected or being a councillor or alderman of

county or borough councillors or aldermen.

the council of any county or borough (including a metropolitan borough):

Provided that a woman if elected as chairman of a county council or mayor of a borough shall not by virtue of holding or having held that office be a justice of the peace.

(2) The words "provided that no woman shall be eligible for any such office" in subsection (1) of section two of the London Government Act, 1899, are hereby repealed.

62 & 63 Vict. c. 14.

Short title and extent.

2.—(1) This Act may be cited as the Qualification of Women (County and Borough Councils) Act, 1907.

(2) This Act shall not extend to Scotland or Ireland.

CHAPTER 34.

An Act to continue various Expiring Laws.

[28th August 1907.]

WHEREAS the Acts mentioned in the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire on the thirty-first day of December nineteen hundred and seven:

And whereas it is expedient to provide for the continuance as in this Act mentioned of those Acts, and of the enactments amending or affecting the same:

6 Edw. 7. c. 9. 57 & 58 Vict. c. 12.

And whereas by the Indian Railways Act Amendment Act, 1906, section nine of the Indian Railways Act, 1894 (by which the duration of that Act was limited) was repealed, and it is expedient that the reference to that Act in the Schedule to the

6 Edw. 7. c. 51.

Expiring Laws Continuance Act, 1906, should be repealed:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Continuance of Acts in Schedule.

1.—(1) The Acts mentioned in the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the thirty-first day of December nineteen hundred and eight, and shall then expire, unless further continued.

(2) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner, whether they are mentioned in the Schedule to this Act or not.

(3) So much of the Expiring Laws Continuance Act, 1906, as refers to the Indian Railways Act, 1894, shall be repealed, and the Indian Railways Act Amendment Act, 1906, shall have effect as if the Expiring Laws Continuance Act, 1906, had never contained any reference to the Indian Railways Act, 1894.

Short title.

2. This Act may be cited as the Expiring Laws Continuance Act, 1907.

SCHEDULE.

Section 1.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1.) 3 & 4 Vict. c. 89.	The Poor Rate Exemption Act, 1840.	The whole Act.	——
(2.) 3 & 4 Vict. c. 91.	The Textile Manufactures (Ireland) Act, 1840.	The whole Act -	5 & 6 Vict. c. 68. 30 & 31 Vict. c. 60.
(3.) 4 & 5 Vict. c. 30.	The Ordnance Survey Act, 1841.	The whole Act -	33 Vict. c. 13. 47 & 48 Vict. c. 43. 52 & 53 Vict. c. 30.
(4.) 10 & 11 Vict. c. 98.	The Ecclesiastical Jurisdiction Act, 1847.	As to the provisions continued by 21 & 22 Vict. c. 50.	——
(5.) 14 & 15 Vict. c. 104.	The Episcopal and Capitular Estates Act, 1851.	The whole Act -	17 & 18 Vict. c. 116. 21 & 22 Vict. c. 94. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124. 31 & 32 Vict. c. 114. s. 10.
(6.) 17 & 18 Vict. c. 102.	The Corrupt Practices Prevention Act, 1854.	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	26 & 27 Vict. c. 29. s. 6. 31 & 32 Vict. c. 125. 46 & 47 Vict. c. 51.
(7.) 26 & 27 Vict. c. 105.	The Promissory Notes Act, 1863.	The whole Act -	45 & 46 Vict. c. 61.
(8.) 27 & 28 Vict. c. 20.	The Promissory Notes (Ireland) Act, 1864.	The whole Act.	——
(9.) 28 & 29 Vict. c. 46.	The Militia (Ballot Suspension) Act, 1865.	The whole Act -	45 & 46 Vict. c. 49.
(10.) 28 & 29 Vict. c. 83.	The Locomotives Act, 1865	The whole Act -	41 & 42 Vict. c. 58. 41 & 42 Vict. c. 77. (Part II.) 59 & 60 Vict. c. 36. 61 & 62 Vict. c. 29.
(11.) 29 & 30 Vict. c. 52.	The Prosecutions Expenses Act, 1866.	The whole Act.	——
(12.) 31 & 32 Vict. c. 125.	The Parliamentary Elections Act, 1868.	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	42 & 43 Vict. c. 75. 46 & 47 Vict. c. 51.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(13.) 32 & 33 Vict. c. 21.	The Corrupt Practices Commission Expenses Act, 1869.	The whole Act -	34 & 35 Vict. c. 61.
(14.) 32 & 33 Vict. c. 56.	The Endowed Schools Act, 1869.	As to the powers of making schemes.	36 & 37 Vict. c. 87. 37 & 38 Vict. c. 87. 52 & 53 Vict. c. 40.
(15.) 33 & 34 Vict. c. 112.	The Glebe Loan (Ireland) Act, 1870.	The whole Act -	34 & 35 Vict. c. 100. 49 Vict. c. 6.
(16.) 34 & 35 Vict. c. 87.	The Sunday Observation Prosecution Act, 1871.	The whole Act.	——
(17.) 35 & 36 Vict. c. 33.	The Ballot Act, 1872 -	The whole Act -	45 & 46 Vict. c. 50. (Municipal Elections).
(18.) 38 & 39 Vict. c. 84.	The Parliamentary Elections (Returning Officers) Act, 1875.	The whole Act -	46 & 47 Vict. c. 51. s. 32. 48 & 49 Vict. c. 62. 49 & 50 Vict. c. 57.
(19.) 39 & 40 Vict. c. 21.	The Jurors Qualification (Ireland) Act, 1876.	The whole Act -	57 & 58 Vict. c. 49. 61 & 62 Vict. c. 37. s. 69.
(20.) 41 & 42 Vict. c. 41.	The Parliamentary Elections Returning Officers Expenses (Scotland) Act, 1878.	The whole Act -	48 & 49 Vict. c. 62. 49 & 50 Vict. c. 58. 54 & 55 Vict. c. 49.
(21.) 43 Vict. c. 18.	The Parliamentary Elections and Corrupt Practices Act, 1880.	The whole Act -	46 & 47 Vict. c. 51.
(22.) 43 & 44 Vict. c. 42.	The Employers' Liability Act, 1880.	The whole Act -	6 Edw. 7. c. 58. s. 14.
(23.) 46 & 47 Vict. c. 51.	The Corrupt and Illegal Practices Prevention Act, 1883.	The whole Act -	58 & 59 Vict. c. 40.
(24.) 47 & 48 Vict. c. 70.	The Municipal Elections (Corrupt and Illegal Practices) Act, 1884.	The whole Act -	56 & 57 Vict. c. 73.
(25.) 49 & 50 Vict. c. 29.	The Crofters Holdings (Scotland) Act, 1886.	As to the powers of the Commissioners for the enlargement of holdings, s. 22.	50 & 51 Vict. c. 24. 51 & 52 Vict. c. 63. 54 & 55 Vict. c. 41.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(26.) 51 & 52 Vict. c. 55.	The Sand Grouse Protection Act, 1888.	The whole Act.	——
(27.) 52 & 53 Vict. c. 40.	The Welsh Intermediate Education Act, 1889.	As to the powers of the joint education committee and the suspension of the powers of the Charity Commissioners.	53 & 54 Vict. c. 60
(28.) 58 & 59 Vict. c. 21.	The Seal Fisheries (North Pacific) Act, 1895.	The whole Act.	——
(29.) 59 Vict. c. 1.	The Local Government (Elections) Act, 1896.	The whole Act.	——
(30.) 59 & 60 Vict. c. 48.	The Light Railways Act, 1896.	As to the powers of the Light Railway Commissioners.	——
(31.) 61 & 62 Vict. c. 49.	The Vaccination Act, 1898	The whole Act.	——
(32.) 2 Edw. 7. c. 18.	The Licensing (Ireland) Act, 1902.	The whole Act.	——
(33.) 3 Edw. 7. c. 36.	The Motor Car Act, 1903	The whole Act.	——

CHAPTER 35.

An Act to amend the Law as to the Council of India.

[28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Number of members of Council.

1. The Council of India shall consist of such number of members, not less than ten and not more than fourteen, as the Secretary of State may from time to time determine.

Amendment of 21 & 22 Vict. c. 106.

2. In section 10 of the Government of India Act, 1858, the words "more than five years" shall be substituted for the words "more than ten years."

Salaries.

3. Section 13 of the same Act shall, as regards any member appointed after the passing of this Act, be read and construed

as if the words one thousand pounds were substituted for the words one thousand two hundred pounds.

Term of office. 32 & 33 Vict. c. 97.

4. Section two of the Government of India Act, 1869, shall, as regards any appointment made after the passing of this Act, be read and construed as if the word "seven" were substituted for the word "ten."

Repeal of 39 Vict. c. 7. 52 & 53 Vict. c. 65.

5. The Council of India Act, 1876, and the Council of India Reduction Act, 1889, are hereby repealed.

Short title.

6. This Act may be cited as the Council of India Act, 1907.

CHAPTER 36.

An Act to grant Money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans. [28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Grants for public works.

1.—(1) For the purpose of local loans there may be issued by the National Debt Commissioners the following sums, namely:—

(*a*) For the purpose of loans by the Public Works Loan Commissioners any sum or sums not exceeding in the whole the sum of three million pounds;

(*b*) For the purpose of loans by the Commissioners of Public Works in Ireland any sum or sums not exceeding in the whole the sum of seven hundred thousand pounds.

(2) The sums so issued shall be issued during a period ending on the day on which a further Act granting money for the purposes of those loans comes into operation and in accordance with the provisions of the National Debt and Local Loans Act, 1887.

50 & 51 Vict. c. 16.

Certain debts not to be reckoned as assets of local loans fund.

2. Whereas it is expedient that the principal of the several local loans specified in the First Schedule to this Act should, to the extent specified in the last column of that Schedule, not be reckoned as assets of the local loans fund established under the National Debt and Local Loans Act, 1887; therefore, the principal of the said loans shall to that extent be written off from the assets of the local loans fund, and the provisions of section fifteen of the said Act shall, so far as applicable, apply thereto.

Transfer of volunteer corps mortgages from Commis-

3. Whereas the Public Works Loan Commissioners have from time to time, under the powers conferred on them by the Military Lands Acts, 1892 to 1900, lent various sums of money

to volunteer corps in England and Scotland upon the security of certain lands belonging to, and certain parliamentary grants payable to, those corps: sioners to Secretary of State.

And whereas by an agreement dated the twenty-first day of March nineteen hundred and seven, and made between Robert Philpot, the secretary of the said Commissioners, of the one part, and the Secretary of State for the War Department of the other part (which agreement is herein-after referred to as the English agreement and copies whereof have been deposited with the Clerk of the Parliaments and the Clerk of the House of Commons) the said Robert Philpot in consideration of the payment by the Secretary of State into the Bank of England to the credit of the Commissioners of the sum therein mentioned, being the total amount then due to the Commissioners for principal and interest in respect of the mortgages specified in the schedule to the English agreement, agreed upon the request of the Secretary of State to transfer to him those mortgages and the securities for the same:

And whereas by an agreement made between the same parties and executed by them on the sixteenth and nineteenth days respectively of March nineteen hundred and seven (which agreement is herein-after referred to as the Scottish agreement and copies whereof have been deposited with the Clerk of the Parliaments and the Clerk of the House of Commons) the said Robert Philpot in consideration of the payment by the Secretary of State into the Bank of England to the credit of the Commissioners of the sum therein mentioned, being the total amount then due to the Commissioners for principal and interest in respect of the securities specified in the schedule to the Scottish agreement, bound himself and the Commissioners when called upon by the Secretary of State to transfer to him those securities:

And whereas it is expedient that the mortgages and securities specified in the respective schedules to the English and Scotch agreements and the several properties comprised in those mortgages and securities should become forthwith vested in the Secretary of State:

Therefore by virtue of this Act and without any further assurance:—

(1) The right of the Public Works Loan Commissioners to demand, sue for, and recover, and give receipts for the several sums secured by the mortgages and securities specified in the respective schedules to the English and Scottish agreements, and the benefit of all securities for those sums, and the benefit of and the right to sue on all covenants with the Commissioners, and the right to exercise all powers vested in the Commissioners under or by virtue of those mortgages and securities shall become vested in the Secretary of State for the War Department for the time being absolutely; and

(2) The several properties comprised in the said mortgages and securities shall become vested in the Secretary of State for the War Department for the time being for all the estate and interest therein of the Commissioners, but subject to all rights of redemption now existing therein.

Public loan to Jamaica.

4.—(1) The Treasury may advance by way of loan to the Government of Jamaica, for the purpose of restoring, replacing, or improving public and other buildings damaged by the recent earthquake and subsequent fire in the colony or purchasing sites for new buildings to replace the same, or for the purpose of making loans to persons within the colony on such security and terms of repayment as may be authorised by the Legislature of the colony for the purposes of restoring or replacing buildings so damaged, or in other ways repairing the loss and damage caused by the earthquake and fire, any sums not exceeding in the whole eight hundred thousand pounds.

(2) The advance shall bear interest at the rate for the time being applicable to loans made out of the Local Loans Fund on the security of local rates in England.

62 & 63 Vict. c. 36.

(3) The provisions of the Colonial Loans Act, 1899, set out in the Second Schedule to this Act, shall apply with respect to the advance authorised by this section as if they were herein re-enacted.

Public loan to Nigeria.

5.—(1) The Treasury may advance by way of loan to the Government of Southern Nigeria, for the purpose of constructing and improving railway and other communication in Southern and Northern Nigeria, any sums not exceeding in the whole two million pounds.

(2) The advance shall bear interest at the rate for the time being applicable to loans made out of the Local Loans Fund on the security of local rates in England.

62 & 63 Vict. c. 36.

(3) The provisions of the Colonial Loans Act, 1899, set out in the Second Schedule to this Act shall apply with respect to the advance authorised by this section as if they were herein re-enacted, but with the substitution, in paragraph (*b*) of subsection (1) of section two as set out in the said schedule, of the words "charges not existing at the date of the passing of this Act" for the words "subsequent charges."

Extension of period for repayment of former loans under the Labourers (Ireland) Acts.

6.—(1) The period for the repayment of any loan made by the Commissioners of Public Works in Ireland under the Labourers (Ireland) Acts, 1883 to 1903, to rural district councils shall be extended by a period of eighteen and a half years, and the annual sum to be paid on account of the repayment of the outstanding principal of the loan and interest shall be re-calculated accordingly in accordance with regulations made by the Treasury for the purpose, and the payments to be made on the first day of May one thousand nine hundred and eight and thereafter in respect of that annual sum shall be made on the basis of the sum as so re-calculated.

(2) Where any sums advanced by the Commissioners under the Labourers (Ireland) Acts, 1883 to 1903, have been issued by more than one instalment, the several instalments shall, for the purposes of this section, be treated as one advance, and the date from which the period for repayment is to be calculated for the purposes of this section shall be some convenient date fixed in accordance with regulations made by the Treasury, as nearly as may be midway between the gale day next after the issue of the first instalment and the gale day next after the issue of the last instalment.

(3) Nothing in this section shall affect the rate of interest on any such loan, nor prejudice any securities held by the Commissioners of Public Works in respect of the loan.

Transfer to Commissioners of Public Works in Ireland of powers of Public Works Loan Commissioners to make loans to harbour authorities in Ireland. 24 & 25 Vict. c. 47. 45 & 46 Vict. c. 62.

7. The power of the Public Works Loan Commissioners under Part I. of the Harbours and Passing Tolls, &c., Act, 1861, or any other Act, to make advances to harbour authorities shall, as regards advances to harbour authorities in Ireland, be transferred to the Commissioners of Public Works in Ireland, and, as respects any such advances, references in those Acts or in section seven of the Public Works Loans Act, 1882, or in any other Act or document to the Public Works Loan Commissioners shall be construed as references to the Commissioners of Public Works in Ireland :

Provided that nothing in this section shall affect any loan made to a harbour authority in Ireland before the passing of this Act, or the powers and duties of the Public Works Loan Commissioners in relation thereto.

Amendment as to loans for planting in Ireland. 29 & 30 Vict. c. 40.

8. Planting, whether for shelter or for any other object, shall be a purpose for which loans may be made under the Landed Property Improvement (Ireland) Acts, and the words "for shelter" in section five of the Drainage and Improvement of Land (Ireland) Act, 1866, are hereby repealed.

Remission of certain claims against Cullen Harbour Commissioners.

9. Whereas the Public Works Loan Commissioners in the years eighteen hundred and eighty-six and eighteen hundred and eighty-seven advanced to the Cullen Harbour Commissioners, on the security of the harbour revenues, undertaking, and property, sums amounting to four thousand pounds towards defraying the cost of works authorised by the Cullen Harbour Order, 1884, the said loan being repayable with interest at the rate of three pounds fifteen shillings per cent. per annum within a period expiring on the fourth day of April nineteen hundred and twenty-seven :

And whereas the interest and instalments of principal due in respect of the loan were duly paid until the fourth day of October eighteen hundred and ninety-two, since which date the income of the harbour has proved insufficient to meet the payments due in respect of the loan, and there are now due to the Public Works Loan Commissioners arrears of interest which amounted on the thirty-first day of March last to one thousand four

hundred and sixty-nine pounds five shillings and sixpence, while the principal outstanding amounts to three thousand six hundred and eighty-four pounds thirteen shillings and elevenpence:

And whereas repairs and improvements to the harbour are needed in order to render the accommodation adequate and safe, and the Cullen Harbour Commissioners are unable to raise the money for carrying out the necessary works as long as the said debt remains, and it is expedient that the said principal debt should be extinguished and the arrears of interest remitted:

Therefore the said principal debt so far as not repaid together with all claims for interest thereon shall be extinguished, and the amount thereof shall be deemed a free grant from Parliament.

Short title.

10. This Act may be cited as the Public Works Loans Act, 1907.

Section 2.

SCHEDULES.

FIRST SCHEDULE.

PART I.

LOAN BY THE PUBLIC WORKS LOAN COMMISSIONERS.

Advanced under the Harbours and Passing Tolls, &c., Act, 1861 (24 & 25 *Vict. c.* 47).

Name of Borrower.	Amount of Loan.	Amount to be written off from Local Loans Fund, and to be extinguished.
	£	£
Cullen Harbour Commissioners -	4,000	3,684 13 11

PART II.

LOANS BY THE COMMISSIONERS OF PUBLIC WORKS, IRELAND.

(1) *Loans under the Landed Property Improvement (Ireland) Act*, 1847 (10 *Vict. c.* 32).

Name of Borrower.	Amount of Loan.	Amount to be written off from Local Loans Fund.
	£	£ *s.* *d.*
Daniel Ottley - - - -	300	99 19 3
	200	73 15 3

(2) *Loans under the Land Law (Ireland) Act*, 1881 (44 & 45 *Vict. c.* 49, *s.* 31).

Name of Borrower.	Amount of Loan.	Amount to be written off from Local Loans Fund.
	£	£ *s.* *d.*
Rose Monahan - - - -	200	127 18 10
Patrick McTague - - - -	60	1 10 6
Thomas and Patrick Loughlin, now Garret Hagans.	80	2 5 9
Edward Galligan - - -	80	29 8 6
Eleanor Ryan - - - -	100	80 2 2
Edward McManus - - -	40	8 10 0
Samuel Kennedy - - - -	100	70 9 9
John Brady - - - -	70	63 6 3
John Mallon - - - -	50	36 6 7
Murty O'Shea - - - -	65	44 1 3
Lacky McGloin - - - -	40	36 9 5

(3) *Loans under the Drainage and Improvement of Lands (Ireland) Act*, 1863 (26 & 27 *Vict. c.* 88).

Name of Proprietor.	Amount of Principal Charge.	Amount to be written off from Local Loans Fund.
	£ *s.* *d.*	£ *s.* *d.*
Mrs. Martha Switzer - - -	30 5 10	5 6 2
J. Ryan - - - - -	28 10 9	15 14 2
The Parsonstown and Portumna Railway Company.	18 10 5	15 18 2

(4) *Loan under the Drainage Maintenance Act*, 1866 (29 & 30 *Vict. c.* 49).

Thomas Beirne - - - -	4 0 3	4 0 3

Part III.

Loan by the Fishery Board for Scotland.

Loan under the Crofters Holdings (Scotland) Act, 1886 (49 & 50 *Vict. c.* 29).

Name of Borrower.	Fishery District.	Amount of Loan	Amount to be written off from Local Loans Fund.
		£	£ *s.* *d.*
Benjamin McIver -	Helmsdale -	66	3 15 7

Sections 4 and 5.

SECOND SCHEDULE.

PROVISIONS OF COLONIAL LOANS ACT, 1899, APPLIED.

Power to make advances to certain colonies and places.

1.—(1) * * * * * * * * * * * *

50 & 51 Vict. c. 16.

(2) The advances authorised by this Act shall be local loans within the meaning of the National Debt and Local Loans Act, 1887, and that Act shall apply accordingly.

(3) Every such advance * * * * * * * * shall be repaid within such period (not exceeding fifty years from the date thereof) as the Treasury and the Secretary of State determine in each case, and either by means of equal instalments of principal, or by means of an annuity of principal and interest combined as may be similarly determined.

Security for loan.

2.—(1) An advance shall not be made in pursuance of this Act until the legislative authority of the colony or place to the Government of which the advance is to be made have provided to the satisfaction of the Treasury and the Secretary of State—

(*a*) for raising and appropriating and duly applying the loan ;

(*b*) for charging on the general revenues and assets of the colony, with priority over any subsequent charges, the principal of the loan ; and

(*c*) for so charging and also for remitting to the Treasury in such manner as the Treasury determine—

(i) such yearly or half-yearly payments on account of the interest on, and the repayment of the principal of, the loan as the Treasury fix ; and

(ii) interest at such rate as the Treasury fix on any such payment in arrear ; and

(*d*) for raising or securing the raising of sufficient revenue to meet the above charges.

(2) Every Act or ordinance of the legislative authority of the colony or place which in any way impairs the validity or priority of any such charge or diminishes the revenue to be raised as above mentioned shall, so far as it impairs or diminishes the same, be void unless the consent of the Treasury and the Secretary of State has been previously obtained.

CHAPTER 37.

An Act to authorise the Treasury to guarantee the payment of a Loan to be raised by the Colony of the Transvaal.

[28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Power to Treasury to guarantee Transvaal loan.

1.—(1) The Treasury may, subject to the provisions of this Act, guarantee in such manner as they think fit the payment of the interest on any loan raised by the Colony of the Transvaal

for the purposes set out in the First Schedule to this Act, not exceeding in the aggregate an amount of stock sufficient to raise five million pounds, or stock of a nominal amount of five million pounds, whichever is least, and also the sinking fund payments for the repayment of the principal of the loan as fixed in accordance with this Act.

(2) Subsections (2) to (6) of section one of the South African Loan and War Contribution Act, 1903, which are set out in the Second Schedule to this Act, with the modifications shown in that schedule, shall apply, with respect to the guarantee, and the raising of the loan under this Act, as if they were herein re-enacted. 3 Edw. 7. c. 27.

(3) The Treasury may guarantee the payment of sums secured by any Transvaal Treasury bills, or other securities which may be issued with their approval by the Governor of the Colony of the Transvaal, for the purpose of temporarily raising any sums in anticipation of the loan, in the same manner as they may guarantee the interest on and the sinking fund payments for the loan, and the provisions of this section shall apply with respect to any such guarantee accordingly.

2. This Act may be cited as the Transvaal Loan (Guarantee) Act, 1907. Short title.

SCHEDULES. Section 1.

FIRST SCHEDULE.

	£
1. Land and agricultural bank - - -	2,500,000
2. Railways, public works, irrigation, agricultural settlement, and development, and any expenses of and incidental to the issue of the loan -	The balance.

SECOND SCHEDULE. Section 1.

SUBSECTIONS (2) TO (6) OF SECTION 1 OF THE SOUTH AFRICAN LOAN AND WAR CONTRIBUTION ACT, 1903.†

1. (1) * * * * * *
* * * * * *

(2) A guarantee shall not be given in pursuance of this Act until the Government of the Transvaal have provided to the satisfaction of the Treasury and the Secretary of State— Power to Treasury to guarantee loans.

(*a*) for raising, appropriating, and duly applying the loan for the purposes and in the manner set out in the *First* Schedule to

† Modifications are shown in italics.

this Act, subject to any arrangements which may be made for the application of savings on one head of expenditure to another head of expenditure :

(*b*) for the establishment and regulation of a sinking fund for the purpose of the repayment within a period not exceeding fifty years from the *first day of July nineteen hundred and eight* of the principal of the loan :

(*c*) for charging on the general revenues and assets of the colony or on any other revenues or assets which may be made available for the purpose, with priority over any charges not existing at the date of the passing of this Act, the principal and interest of the loan and any sinking fund payments for the repayment of the principal of the loan :

(*d*) for charging on the general revenues and assets of the colony immediately after the last-mentioned charge the repayment to the Treasury of any sum issued out of the Consolidated Fund under this Act on account of the guarantee of the loan, with interest thereon at the rate of four per cent. per annum :

(*e*) for raising or securing the raising of sufficient money to meet the above charges.

40 & 41 Vict. c. 59.

(3) If any loan guaranteed under this Act is raised by stock to which the Colonial Stock Act, 1877, applies, section nineteen of that Act shall not apply.

(4) Every Act or Ordinance of the Legislature of the Transvaal which in any way impairs the validity or priority of any such charge shall, so far as it impairs the same, be void unless the consent of the Treasury and the Secretary of State has been previously obtained.

(5) Any sums required by the Treasury for fulfilling their guarantee given under this Act shall be charged on and issued out of the Consolidated Fund or the growing produce thereof, and any sums paid on account of the repayment of any amount so issued out of the Consolidated Fund shall be paid into the Exchequer.

(6) The Treasury shall lay before both Houses of Parliament a statement of any guarantee given under this Act, and an account of any sums issued out of the Consolidated Fund for the purpose of any such guarantee, as soon as may be after any guarantee is so given or any sum is so issued.

CHAPTER 38.

An Act to make provision with respect to the Disposal of Mining Rights under section thirteen of the Irish Land Act, 1903, and to amend section fifty-four of that Act.

[28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

As to disposal of mining rights.

1.—(1) The Irish Land Commission may let, lease, sell or demise to any person in such manner and subject to such conditions as they may think proper, and at the best rent or

price, as the case may be, which may be obtainable, any exclusive right of mining or taking minerals, or digging or searching for minerals, reserved to them under section thirteen of the Irish Land Act, 1903. 3 Edw. 7. c. 37.

(2) For the purpose of ascertaining the value of any such right, the Commission may, either alone or in association with any other persons, after having given to the occupier of the land in respect of which the right is to be exercised at least one month's notice by registered letter, addressed to him at his last-known place of abode, and subject to the provisions of subsection four of the said section thirteen as to compensation, enter upon the land and make such borings and other experiments as, in the opinion of the Commission, appear necessary or desirable.

(3) Out of the profits arising from any disposition of any such right made by the Land Commission there shall be paid any expenses incurred under the authority of this Act in relation to such right, and any sums advanced out of the reserve fund mentioned in section forty-three of the said Act of 1903 for payment of those expenses shall be repaid to that fund, and the net profit remaining shall, after deduction of the percentage provided for in subsection three of section thirteen of the said Act, be paid into and form part of that fund.

(4) The powers conferred upon the Irish Land Commission by this section shall only be exercised with the approval of the Judicial Commissioner and after having, where practicable, ascertained the views of the person entitled to the aforesaid percentage.

(5) Not less than one month before any disposition is made under this section of any right, the Commission shall publish, in a newspaper circulating in the locality where the right is to be exercised, a notice stating their intention to make a lease or sale, as the case may be, and inviting offers from any persons wishing to exercise the right.

Amendment of 3 Edw. 7. c. 37. s. 54 (4) with respect to charges created by will or codicil.

2.—(1) The period limited with respect to the registration, in pursuance of subsection four of section fifty-four of the Irish Land Act, 1903, of a charge on a holding created by will or codicil shall be twelve months from the date of the grant of probate of the will, or letters of administration with the will annexed, as the case may be, and the said section shall have effect as if the said period of limitation were substituted therein for the period of six months from the death of the testator.

(2) Such registration if not previously effected by some other person shall, within the time limited by this section, be effected, for the benefit of the owner of the charge, by the person becoming beneficially entitled to the holding on the death of the testator.

Short title.

3. This Act may be cited as the Irish Land Act, 1907.

CHAPTER 39.

An Act to amend the Factory and Workshop Act, 1901, with respect to Laundries, and to extend that Act to certain Institutions and to provide for the inspection of certain premises. [28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

LAUNDRIES.

Application of 1 Edw. 7. c. 22 to laundries.

1. The Factory and Workshop Act, 1901 (which Act, as amended by any subsequent enactment, including this Act, is herein-after referred to as the principal Act), shall, subject to the provisions of this Act, apply to laundries as if at the end of Part II. of the Sixth Schedule to that Act, enumerating non-textile factories and workshops, the following paragraph were added:—

"(29) Laundries carried on by way of trade or for the purpose of gain, or carried on as ancillary to another business or incidentally to the purposes of any public institution."

Hours of employment of women and young persons in laundries.

2.—(1) In laundries, other than laundries ancillary to a business carried on in any premises which, apart from the provisions of this Act, are a factory or workshop,—

(*a*) The period of employment of women may on any three days in the week, other than Saturday, begin at six o'clock in the morning and end at seven o'clock in the evening, or begin at seven o'clock in the morning and end at eight o'clock in the evening, or begin at eight o'clock in the morning and end at nine o'clock in the evening:

Provided that a corresponding reduction is made in the periods of employment on other days of the week, so that the total number of hours of the periods of employment of women, including the intervals allowed for meals, shall not exceed sixty-eight in any one week;

(*b*) Where the occupier of a laundry so elects, the following provisions shall apply to the laundry in lieu of the provisions of the last preceding paragraph:—

The period of employment of women may, on not more than four days, other than Saturday, in any one week, and on not more than sixty days in any calendar year, begin at six o'clock in the morning and end at seven o'clock in the evening, or begin at seven o'clock in the morning and end at eight

o'clock in the evening, or begin at eight o'clock in the morning and end at nine o'clock in the evening;

(*c*) Different periods of employment may be fixed for different days of the week.

(2) The foregoing provisions of this section shall be deemed to be special exceptions within the meaning of section sixty of the principal Act, but it shall not be lawful for the occupier of a laundry to change from the system of employment under the above paragraph (*a*) to the system of employment under the above paragraph (*b*), or vice versâ, oftener than once a year. The entry required to be made in the prescribed register by subsection four of the said section sixty as so applied shall, in the case of overtime employment under paragraph (*b*), be made before the commencement of the overtime employment on each day on which it is intended that there should be such employment, and, in reckoning the sixty days for the purposes of paragraph (*b*), every day on which any woman had been employed overtime shall be taken into account.

(3) Subject as aforesaid, the provisions of the principal Act as to hours of employment shall apply to laundries.

Special regulations to be complied with in laundries.

3. In every laundry—

(*a*) If mechanical power is used, a fan or other efficient means shall be provided, maintained, and used for regulating the temperature in every ironing room, and for carrying away the steam in every washhouse;

(*b*) All stoves for heating irons must be sufficiently separated from any ironing room or ironing table, and gas irons emitting any noxious fumes must not be used; and

(*c*) The floors must be kept in good condition and drained in such manner as will allow the water to flow off freely.

A laundry in which there is a contravention of any of these provisions shall be deemed to be a factory or workshop not kept in conformity with the principal Act.

Application of provisions as to domestic workshops.

4. Subsection (2) of section one hundred and fourteen of the principal Act (which provides that certain domestic workshops are not to be deemed workshops within the meaning of that Act) shall apply to laundries as if for the words "the altering, "repairing, ornamenting, or finishing of any article" there were substituted the words "the altering, repairing, orna- "menting, washing, cleaning, or finishing of any article."

Institutions.

Application of Factory and Workshop Acts to certain institutions.

5.—(1) Where in any premises forming part of an institution carried on for charitable or reformatory purposes, and not being premises subject to inspection by or under the authority of any Government Department, any manual labour is exercised in or

incidentally to the making, altering, repairing, ornamenting, finishing, washing, cleaning, or adapting for sale, of articles not intended for the use of the institution, the provisions of the principal Act shall, subject to the provisions of this Act, apply to those premises, notwithstanding that the work carried on therein is not carried on by way of trade or for the purposes of gain, or that the persons working therein are not working under a contract of service or apprenticeship.

(2) If in any institution to which this section applies the persons having the control of the institution (herein-after referred to as the managers) satisfy the Secretary of State that the only persons working therein are persons who are inmates of and supported by the institution, or persons engaged in the supervision of the work or the management of machinery, and that such work as aforesaid is carried on in good faith for the purposes of the support, education, training, or reformation of persons engaged in it, the Secretary of State may by order direct that so long as the order is in force the principal Act shall apply to the institution subject to the following modifications :—

(*a*) The managers may submit for the approval of the Secretary of State a scheme for the regulation of the hours of employment, intervals for meals, and holidays of the workers, and of the education of children, and, if the Secretary of State is satisfied that the provisions of the scheme are not less favourable than the corresponding provisions of the principal Act, the Secretary of State may approve the scheme, and upon the scheme being so approved the principal Act shall, until the approval is revoked, apply as if the provisions of the scheme were substituted for the corresponding provisions of the principal Act; any scheme when so approved shall be laid as soon as possible before both Houses of Parliament, and if either House, within the next forty days after such scheme has been laid before that House, resolve that the scheme ought to be annulled, the scheme shall, after the date of the resolution, be of no effect without prejudice to the validity of anything done in the meantime thereunder, or to the making of any new scheme ;

(*b*) The medical officer of the institution (if any) may, on the application of the managers, be appointed by the chief inspector of factories to be the certifying surgeon for the institution ;

(*c*) The provisions of section one hundred and twenty-eight of the principal Act as to the affixing of an abstract of the principal Act and of notices shall not apply, but amongst the particulars required to be shown in the general register there shall be included the prescribed particulars of the scheme, or where no scheme is in

force the prescribed particulars as to hours of employment, intervals for meals, and holidays, and education of children, and other matters dealt with in the principal Act;

(*d*) In the case of premises forming part of an institution carried on for reformatory purposes, if the managers of the institution so give notice to the chief inspector of factories, an inspector shall not, without the consent of the managers or of the person having charge of the institution under the managers, examine an inmate of the institution save in the presence of one of the managers or of such person as aforesaid:

Provided that the Secretary of State, on being satisfied that there is reason to believe that a contravention of the principal Act is taking place in any such institution, may suspend the operation of this provision as respects that institution to such extent as he may consider necessary;

(*e*) The managers shall, not later than the fifteenth day of January in each year, send to the Secretary of State a correct return in the prescribed form, specifying the names of the managers and the name of the person (if any) having charge of the institution under the managers, and such particulars as to the number, age, sex, and employment of the inmates and other persons employed in the work carried on in the institution as the Secretary of State may require, and shall, if any requirement of this paragraph is not complied with, be liable to a fine not exceeding five pounds.

SUPPLEMENTAL.

Inspection of certain premises.

6. Where in any premises, which are subject to inspection by or under the authority of any Government department, any manual labour is exercised, otherwise than for the purposes of instruction, in or incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning, or adapting for sale, of any article, and the premises do not constitute a factory or workshop by reason that the work carried on therein is not carried on by way of trade or for the purposes of gain, or by reason that the persons employed in the work are not working under a contract of service or apprenticeship, the Secretary of State may arrange with the department that the premises shall, as respects the matters dealt with by the principal Act, be inspected by an inspector appointed under that Act, and where such an arrangement is made, inspectors appointed under the principal Act shall have, as respects such matters as aforesaid, the like right of entry and inspection as is conferred on inspectors of the department concerned.

Short title, construction, commencement, and repeal.

7.—(1) This Act may be cited as the Factory and Workshop Act, 1907, and shall be construed as one with the Factory and Workshop Act, 1901, and the Factory and Workshop Act, 1901,

and this Act may be cited together as the Factory and Workshop Acts, 1901 and 1907.

(2) This Act shall come into operation on the first day of January one thousand nine hundred and eight.

(3) Section one hundred and three of the Factory and Workshop Act, 1901, is hereby repealed.

CHAPTER 40.

An Act to provide for the early Notification of Births.

[28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Provisions for the earlier notification of births.

1.—The provisions of this section shall have effect in the area of any local authority in which this Act is adopted by that authority in accordance with the provisions of this Act—

(1) In the case of every child born in an area in which this Act is adopted it shall be the duty of the father of the child, if he is actually residing in the house where the birth takes place at the time of its occurrence, and of any person in attendance upon the mother at the time of, or within six hours after, the birth, to give notice in writing of the birth to the medical officer of health of the district in which the child is born, in manner provided by this section.

(2) Notice under this section shall be given by posting a prepaid letter or postcard addressed to the medical officer of health at his office or residence, giving the necessary information of the birth within thirty-six hours after the birth, or by delivering a written notice of the birth at the office or residence of the medical officer within the same time; and the local authority shall supply without charge addressed and stamped postcards containing the form of notice to any medical practitioner or midwife residing or practising in their area, who applies for the same.

(3) Any person who fails to give notice of a birth in accordance with this section shall be liable on summary conviction to a penalty not exceeding twenty shillings: Provided that a person shall not be liable to a penalty under this provision if he satisfies the court that he had reasonable grounds to believe that notice had been duly given by some other person.

(4) The notification required to be made under this Act shall be in addition to and not in substitution for the requirements of any Act relating to the registration of births; and any registrar of births and deaths,

whose sub-district or any part thereof is situate within any area in which this Act is adopted, shall at all reasonable times have access to notices of births received by the medical officer of health under this Act, or to any book in which those notices may be recorded, for the purpose of obtaining information concerning births which may have occurred in his sub-district.

(5) This section shall apply to any child which has issued forth from its mother after the expiration of the twenty-eighth week of pregnancy, whether alive or dead.

(6) Any expenses incurred by a local authority in the execution of this Act shall be paid as part of the expenses of that authority in the execution of the Acts relating to public health, and in the case of a rural district council shall be paid as general expenses.

Adoption of Act, and definition of local authority.

2.—(1) A local authority may by resolution adopt this Act in their area, and the provisions set out in the schedule to this Act shall have effect with respect to the resolution of adoption.

(2) A resolution of adoption shall not take effect until the consent of the Local Government Board has been obtained thereto.

(3) It shall be the duty of any local authority by whom this Act is adopted, as soon as the consent of the Local Government Board is given to the resolution of adoption, to bring the provisions of this Act to the attention of all medical practitioners and midwives practising in their area.

(4) In this Act, the expression "local authority" means the council of a borough (including the council of a metropolitan borough and the mayor, aldermen, and commons of the city of London in common council assembled), and the council of an urban or a rural district, and the council of a county (other than the county of London) who may adopt the Act either for their whole county or for any county district therein:

Provided that—

(*a*) where the Act is adopted by the council of a county the county medical officer of health shall be substituted for the medical officer of health of the district, and the expenses of the execution of the Act shall be paid as general county expenses or special county expenses, as the case requires; and

(*b*) if, where the Act has been adopted by the council of a county for any county district, the council of the district, or, where the Act has been adopted by the council of a county district for their district, the council of the county, subsequently apply to the Local Government Board to be made the authority for the purposes of this Act, the Board may, if they think fit, make an order declaring that the Act shall take effect as if it had been adopted by the

council of the county district instead of the council of the county, or by the council of the county instead of the council of the county district, as the case may be, and on any such order being made the Act shall take effect in accordance with the order.

(5) In London, the medical officer of health of every metropolitan borough (including the city of London) in which this Act is in force for the time being shall send weekly to the London County Council, in a form prescribed by the Local Government Board, a list of all notices of birth received by him under this Act during the past week.

Power of Local Government Board to put Act in force in the area of any local authority.

3. The Local Government Board may by order declare that this Act shall be in force in the area of any local authority who have power to adopt the Act, although it has not been so adopted, if they think it expedient, having regard to the circumstances of the area, and in that case the order of the Local Government Board shall have the same effect for the purpose as a resolution of adoption duly passed by the local authority of the area and assented to by the Local Government Board.

Application to Scotland.

4. In the application of this Act to Scotland—

(1) The expression "Local Government Board" means the Local Government Board for Scotland;

(2) The expression "sub-district" means parish or district;

(3) The expression "local authority" and the expression "council" mean the local authority under the Public Health (Scotland) Act, 1897, and subsection four of section two shall not apply;

60 & 61 Vict. c. 38.

(4) An offence may be tried before the sheriff or before any magistrate of a royal, parliamentary, or police burgh officiating under the provisions of any local or general Police Act; and an offender failing to make payment of a penalty shall be liable to imprisonment in terms of the Summary Jurisdiction Acts.

Application to Ireland.

5. In the application of this Act to Ireland, the Local Government Board for Ireland shall be substituted for the Local Government Board, and the expression "sub-district" means a registrar's district under the Acts relating to the registration of births.

Short title.

6. This Act may be cited as the Notification of Births Act, 1907.

Section 2.

SCHEDULE.

RESOLUTION OF ADOPTION.

1. A resolution of adoption must be passed at a meeting of the council.

2. One calendar month at least before the meeting of the council special notice of the meeting and of the intention to propose the resolution shall be given to every member of the council.

3. A resolution of adoption after being passed shall be published by advertisement in some one or more newspapers circulating within the area of the council by whom the resolution is passed, and otherwise in such manner as the council thinks sufficient for giving notice thereof to all persons interested.

4. A copy of the resolution of adoption shall be sent to the Local Government Board.

5. The resolution of adoption shall come into operation at such time, not less than one month after the first publication of the advertisement, as may be fixed by the Local Government Board.

CHAPTER 41.

An Act to regulate Whale Fisheries in Scotland.

[28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Prohibition of exercise of whaling industry without licence.

1. No person shall in any part of Scotland land any whale, or engage in any way in the manufacture from whales of oil or other primary products, without a licence granted and issued subject to the conditions hereinafter provided, and any person acting in contravention of this section shall be liable on summary conviction to a penalty not exceeding five hundred pounds.

Licences may be granted by Fishery Board for Scotland on certain conditions.

2. It shall be lawful for the Fishery Board for Scotland (in this Act referred to as the Board) to issue licences under this Act, subject to the following conditions:—

(1) A person applying to the Board for a licence shall, at least two months before making such application, publish notice thereof once in each of two consecutive weeks with an interval between each publication of not less than six days in one or more newspaper or newspapers circulating in the district in which the factory or station, existing or to be erected, is situate:

Such notice shall state the name and address of the applicant, and shall contain a description of the site or intended site of the factory or station where the process of manufacture as aforesaid is to be conducted:

(2) It shall be lawful for the local authority under the Public Health (Scotland) Act, 1897, or for any persons interested, within fourteen days after the publication of such notice as aforesaid to lodge with the Board objections to the granting of any such licence, and the Board shall consider any such objections, and, after

60 & 61 Vict. c. 38.

such inquiry, if any, as they may think necessary, shall grant or refuse such licence:

(3) Each licence shall contain a description of the site of the factory or station erected or proposed to be erected as aforesaid, and no such factory or station shall be removed from the site in the said licence described to any other site, unless and until such other site shall have been approved by the Board, and their approval shall have been endorsed on the licence:

(4) Subject as hereinafter mentioned the holder of a licence shall not use or employ more than one whaling steamer; provided that the Board shall, on the application of any person who before the first day of January one thousand nine hundred and seven has erected a factory or station for the prosecution of the whaling industry, authorise such person, by special permission endorsed on his licence, to use or employ not more than three additional whaling steamers, when the Board, after due inquiry, are satisfied that such additional steamer or steamers are necessary for the full and proper working of such factory or station as it existed at that date:

(5) No licence shall be granted except to a British subject or to a Company registered in Great Britain. Provided that this subsection shall not apply to the case of a person who has erected a factory or station for the prosecution of the whaling industry before the date mentioned in the immediately preceding subsection:

(6) The Board may at any time, on the application of the holder of a licence, cancel the licence, or in the case of the holder of a licence endorsed with a special permission vary the number of whaling steamers (but in no case to exceed four) the use of which is authorised thereby; but it shall not be lawful to transfer or assign any licence without the consent of the Board, and any transfer or assignment shall be endorsed upon the licence:

(7) There shall be paid to the Board in respect of every licence issued under the provisions of this Act a sum of one hundred pounds for each whaling steamer, the use of which is authorised thereby, and such sum shall be payable on the issue of the licence and thereafter annually during its continuance:

(8) Every licence shall be subject to all the conditions contained in this Act, and it shall be lawful for the Board, in the event of the infringement of any such condition by the holder of a licence, or of the conviction of such holder or any person employed by him of an offence under this Act, without compensation to cancel any licence or to suspend any licence for a specified period.

Offences by holder of licence and others.

3.—(1) No holder of a licence or person employed by him shall in the prosecution of the whaling industry use any vessel, other than the whaling steamer from or by which a whale shall have been captured or killed, for the purpose of bringing or towing such whale to or towards any factory or station for manufacture.

(2) Every whaling steamer employed by the holder of a licence shall carry such distinctive mark as the Board, with the consent of the Board of Trade, may from time to time prescribe, and such mark shall be specified in the licence.

(3) No holder of a licence or person employed by him shall use, in the pursuit or capture of whales, any method or contrivance which does not include a harpoon with a whaling line attached thereto, and fixed or fastened to the whaling steamer from which the whale is captured or killed.

(4) No person shall pursue, kill, or shoot at any whale within three miles of low-water mark of any part of the coast of Scotland, and no holder of a licence or person employed by him shall pursue, kill, or shoot at any whale within the distance of one mile from any boat or vessel lying at anchor or engaged in fishing.

(5) No holder of a licence or person employed by him shall kill or shoot any herring-hog whale, or any whale which is accompanied by a calf.

(6) No holder of a licence or person employed by him shall in any year pursue, kill, or shoot whales between the first day of November and the thirty-first day of March, both days inclusive, or pursue, kill, or shoot whales within a distance of forty miles from low-water mark of any part of the coast of Scotland within such limits and during such period, not exceeding in any case five weeks during the summer herring fishing, as the Board may from time to time prescribe.

(7) In this section the expression "mile" means a nautical mile.

(8) Any person acting in contravention of this section shall be guilty of an offence under this Act.

(9) Where a whale which has been lawfully shot at and struck shall carry with it a fixed line within an area prohibited in terms of this section, nothing in this section contained shall make it unlawful to continue the pursuit of such whale and to kill it in such area.

Inspection of whaling factories, &c.

4.—(1) The Board shall give every assistance in carrying out the provisions of this Act and, where necessary, shall employ their officers to facilitate its execution, and may, with the consent of the Secretary for Scotland, provide for the inspection of the factories or stations and vessels employed by the holders of licences, and such holders of licences and all persons employed by them shall give all reasonable facilities for such inspection, and shall make such returns on any matter connected with their

whaling business as the Board may from time to time prescribe, and if required by the Board shall verify such returns by statutory declaration.

(2) The expenses incurred in any year by the Board in the execution of this Act shall, to the amount approved by the Treasury, be paid out of moneys provided by Parliament.

Saving for certain whales and whaling industries.

5.—(1) Nothing in this Act contained shall make it unlawful for any person to drive ashore and appropriate, sell, or otherwise make use of the smaller whales known as bottle-nose and caa-ing whales, or to appropriate, sell, or otherwise make use of such whales as he may find dead, whether floating on the sea or stranded on the shore.

(2) Nothing in this Act contained shall make it unlawful for any person to pursue any of the whaling industries commonly followed in Arctic or Antarctic waters, or to engage in the manufacture of oil or other products from whales captured in the exercise of any such industry.

Penalties.

6. Any person guilty of an offence under this Act shall, save as otherwise provided, be liable on summary conviction to a penalty not exceeding one hundred pounds, and, on failure to make payment of the penalty which may have been imposed immediately or within a specified period, shall be liable to imprisonment in accordance with the provisions of the Summary Jurisdiction Acts. Every offence under this Act may be prosecuted in any sheriff court which the Board may declare, by a notice under the hand of the Chairman of or the Secretary to the Board, to the procurator fiscal of such sheriff court to be the court nearest to the spot where the offence was committed, or otherwise the most convenient for the trial of the case.

Local inquiry. 52 & 53 Vict. c. 50.

7. For the purposes of this Act subsection one of section ninety-three of the Local Government (Scotland) Act, 1889, respecting the holding of local inquiries shall apply as if it were enacted herein, with the substitution of the Board for the Secretary for Scotland; provided that the nomination of a person to hold an inquiry shall be certified by writing under the hand of the Chairman of or the Secretary to the Board, and such person shall be paid his reasonable expenses and such remuneration as may be approved by the Treasury.

Definition.

8. In this Act the expression "whaling steamer" includes any ship used for the purpose of capturing or killing whales, whether propelled by steam power or otherwise.

Application, commencement, and short title.

9.—(1) This Act shall apply to Scotland only, and shall commence on the first day of January one thousand nine hundred and eight.

(2) This Act may be cited as the Whale Fisheries (Scotland) Act, 1907.

CHAPTER 42.

An Act to provide for the payment to the Fishery Board for Scotland of the penalties or other moneys recovered in respect of illegal sea fishing in Scotland.

[28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Penalties and moneys recovered to be paid to the Fishery Board.

1. From and after the first day of April nineteen hundred and eight all penalties recovered in any prosecution for using or attempting to use any method of fishing in contravention of the Sea Fisheries (Scotland) Amendment Act, 1885, the Herring Fishery (Scotland) Act, 1889, the Herring Fishery (Scotland) Act Amendment Act, 1890, or the Sea Fisheries Regulation (Scotland) Act, 1895, or of any Act amending any of the said Acts, or of any byelaw or regulation under any of such Acts, shall be transmitted to the King's and Lord Treasurer's Remembrancer, and the balance remaining after deduction of the expenses of prosecutions chargeable to Votes of Parliament shall be paid to the Fishery Board for Scotland, and all moneys so paid, and all moneys accruing to the Board from the sale of anything lawfully forfeited and sold in respect of such method of fishing as aforesaid, shall be applied for the purpose of subsection three of section two of the Local Taxation Account (Scotland) Act, 1898, or otherwise in aid of the expenses incurred or to be incurred under any statutory power from time to time vested in the Board, in such manner as the Board may, with the consent of the Secretary for Scotland, determine.

48 & 49 Vict. c. 70. 52 & 53 Vict. c. 23. 53 & 54 Vict. c. 10. 58 & 59 Vict. c. 42. 61 & 62 Vict. c. 56.

Short title.

2. This Act may be cited as the Sea Fisheries (Scotland) Application of Penalties Act, 1907, and shall be read along with the Act or Acts under which proceedings are taken, as the case may be.

CHAPTER 43.

An Act to make provision for the better administration by the Central and Local Authorities in England and Wales of the enactments relating to Education.

[28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Purchase and appropriation of land.

1.—(1) A local education authority shall have the same power, exerciseable in the same manner, and subject to the

same provisions, for the purchase of land either compulsorily or by agreement for the purposes of Part II. of the Education Act, 1902, as they have under the Education Acts for the purposes of Part III. of that Act, but the powers given by this section shall be in addition to and not in derogation of any other powers for the purpose possessed by the authority.

2 Edw. 7. c. 42.

(2) A local education authority may—

(i) appropriate, with the consent of the Board of Education, for the purpose of Part II. of the Education Act, 1902, any land acquired by them for the purposes of Part III. of the Education Act, 1902, or taken over by them under that Act as successors of a school board; and

(ii) appropriate, with the consent of the Board of Education, for the purposes of Part III. of the Education Act, 1902, any land acquired by them for the purpose of Part II. of the Education Act, 1902, either under that Act, or for similar purposes under any Act repealed by that Act; and

(iii) appropriate, with the consent of and after inquiry by the Local Government Board, for any of the purposes of the Education Acts, any land acquired by them otherwise than in their capacity as local education authority:

(3) The council of a non-county borough or urban district may appropriate, with the consent of and after inquiry by the Local Government Board, for the purpose of their power to supply or aid the supply of education other than elementary, any land acquired by them under any other power.

(4) The appropriation of land by a local education authority or a council under this section shall be subject in any case to any special covenants or agreements affecting the use of the land in their hands.

(5) Where the capital expenditure in connection with any land appropriated under this section or any loan for the purpose of repaying that expenditure or any part of that expenditure or loan has been or is charged on, or raised within, any special part of the area of the local education authority or council, and the Board of Education, or, in the case of land appropriated under this section and not acquired for any of the purposes of the Education Acts, the Local Government Board, are of opinion that the use of the land for the purposes for which it is appropriated will alter the area benefited by the expenditure, the Board of Education, or the Local Government Board, as the case requires, shall order such equitable adjustment in respect thereof to be made as they think right under the circumstances, and the local education authority or council shall comply with any order so made.

(6) A council shall have power, with the consent of and after inquiry by the Board of Education, to alienate any land

acquired or held by them for the purposes of education other than elementary under Part II. of the Education Act, 1902, and, in the case of the sale of any such land, the proceeds of sale shall be applied in such manner as the Local Government Board sanction, towards the discharge of any loan of the council under the Education Acts, or otherwise for any purpose for which capital may be applied by the council under those Acts.

Substitution, in certain cases, of consent of Board of Education for consent of Home Secretary. 4 & 5 Vict. c. 38 18 & 19 Vict. c. 131.

2. The consent of the Board of Education shall be substituted for the consent of the Secretary of State for the Home Department in cases where the consent of the said Secretary of State is required under section fourteen of the School Sites Act, 1841, and section one of the School Grants Act, 1855 (which relate to sales, exchange, or mortgages of school premises).

Extension of period for repayment of money borrowed by county council. 51 & 52 Vict. c. 41.

3. In the application of section sixty-nine of the Local Government Act, 1888, to money borrowed after the passing of this Act under the Education Acts by the council of a county, a period not exceeding sixty years shall be substituted for a period not exceeding thirty years as the maximum period within which borrowed money is to be repaid, and any money reborrowed for the purpose of discharging a loan raised for the purposes of the Education Acts may, if the Local Government Board approve, and subject to such conditions as they impose, be repaid within such period, not exceeding sixty years from the date of the original loan, as the Local Government Board fix.

Power of county council to contribute towards capital expenditure incurred by non-county boroughs or urban districts within their county for the purposes of higher education.

4.—(1) In the exercise of their powers and duties under section two of the Education Act, 1902, a county council shall have power, and at all times since the commencement of that Act shall be deemed to have had power, to agree with the council of any non-county borough or urban district within their area for the payment to that last-mentioned council of a contribution towards the capital expenditure incurred by them in respect of education other than elementary, to such an amount and in such instalments, and for such period and subject to such conditions, as may be specified in the agreement.

(2) Where any such agreement is made the contribution agreed to be paid by the county council shall, for the purposes of section nineteen of the Education Act, 1902, form part of the security on which money may be borrowed by the council of the non-county borough or urban district under that section.

Decision of questions as to capital expenditure.

5. If the Local Government Board by order declare that expenses incurred for particular purposes specified in the order may or may not be properly treated under section eighteen of the Education Act, 1902, as expenses incurred in respect of capital expenditure, no question shall be raised on audit as to the treatment of expenses incurred for those particular purposes if they are treated in accordance with the order.

Audit of accounts of joint educational bodies.

33 & 34 Vict. c. 75.

6. Where any receipts or payments of money under the Education Acts are entrusted to any joint education committee established under section seventeen of the Education Act, 1902, or to any joint body established under section fifty-two of the Elementary Education Act, 1870, or otherwise established by two or more local authorities, the accounts of those receipts and payments shall, unless in any case the Local Government Board direct to the contrary, or any provisions to the contrary which have been approved by the Local Government Board are contained in the scheme or instrument establishing the committee or body, be audited as if the joint committee or body were a separate local education authority, and the enactments relating to the audit of the accounts of local education authorities (including the penal provisions of those enactments) shall apply accordingly.

Power to provide for apportionment of expenses in a scheme constituting a joint education committee.

7. A scheme providing for the constitution of a joint education committee under subsection (5) of section seventeen of the Education Act, 1902, may make provision for the proportions in which any expenditure on matters referred or delegated to that committee is to be borne as between the councils of the counties, boroughs, or urban districts, or parts thereof forming the area for which the joint committee is constituted.

Borrowing from Public Works Loan Commissioners.

8. The Public Works Loan Commissioners may lend to a local education authority any money which that authority are authorised to borrow for the purposes of Part II. of the Education Act, 1902.

Amendment of s. 7. of 56 & 57 Vict. c. 42.

9. The condition that the annual expenses of the maintenance of a school not managed by a school authority are, to the extent of not less than one third, to be defrayed out of sources other than local rates or moneys provided by Parliament shall cease to be a condition required for the grant of a certificate under section seven of the Elementary Education (Blind and Deaf Children) Act, 1893, to such a school as a school suitable for providing elementary education for blind or deaf children.

Decision of certain educational questions by Board of Education.

10. If any question arises whether any purpose for which a council wish to exercise any powers under the Education Acts is a purpose of Part II. of the Education Act, 1902, or of Part III. of that Act, that question shall be referred to and determined by the Board of Education, and their decision shall be conclusive on the matter.

Provisions with respect to scholarships, bursaries, &c.

11. The powers and duties of a local education authority under Part III. of the Education Act, 1902, shall include a power to aid by scholarships or bursaries the instruction in public elementary schools of scholars from the age of twelve up to the limit of age fixed for the provision of instruction in a public elementary school by subsection two of section twenty-two of that Act.

Higher education powers not confined to persons resident in area.

12. It is hereby declared that any power of a council under the Education Act, 1902, to supply, or aid the supply of, education other than elementary is not confined to the education of persons resident in their area, and the words "ordinarily resident in the area of the council," in subsection (2) of section twenty-three of the Education Act, 1902, are hereby repealed.

Provisions as to vacation schools, health of school children, &c., in elementary schools.

13.—(1) The powers and duties of a local education authority under Part III. of the Education Act, 1902, shall include—

(*a*) power to provide, for children attending a public elementary school, vacation schools, vacation classes, play-centres, or other means of recreation during their holidays or at such other times as the local education authority may prescribe, in the schoolhouse or in some other suitable place in the vicinity, so far as the local education authority, in the case of a schoolhouse or place not belonging to them, can obtain for the purpose the use of the schoolhouse or place; and

(*b*) the duty to provide for the medical inspection of children immediately before, or at the time of, or as soon as possible after, their admission to a public elementary school, and on such other occasions as the Board of Education direct, and the power to make such arrangements as may be sanctioned by the Board of Education for attending to the health and physical condition of the children educated in public elementary schools:

Provided that, in any exercise of powers under this section, the local education authority may encourage and assist the establishment or continuance of voluntary agencies, and associate with itself representatives of voluntary associations for the purpose.

(2) This section shall come into operation on the first day of January nineteen hundred and eight.

Distance from school no excuse for non-attendance when conveyance is provided. 39 & 40 Vict. c. 79.

14.—(1) When a local education authority provide suitable means of conveyance for a child between a reasonable distance of its home and a public elementary school, it shall not be a reasonable excuse for the purposes of section seventy-four of the Elementary Education Act, 1870, or section eleven of the Elementary Education Act, 1876, or a ground of exemption for the purposes of section nine of the latter Act, that there is no public elementary school open which such child can attend within the distance of its residence prescribed by those sections or by any byelaw made under section seventy-four of the Elementary Education Act, 1870.

(2) For the purposes of paragraph (*c*) of subsection one of section eighteen of the Education Act, 1902, the county council may treat any expenses incurred by them in providing means of

conveyance for teachers or children attending a public elementary school under subsection one of section twenty-three of the Education Act, 1902, in the same manner as they may treat the capital expenditure mentioned in the said paragraph (*c*).

Returns by councils having powers under Part II. of the Education Act, 1902.

15. Every council having powers under Part II. of the Education Act, 1902, shall give to the Board of Education such information with respect to the exercise of those powers as the Board may from time to time require.

Register of teachers. 62 & 63 Vict. c. 33.

16.—(1) Any obligation to frame, form, or keep a register of teachers under paragraph (*a*) of section four of the Board of Education Act, 1899, shall cease: Provided that it shall be lawful for His Majesty by Order in Council to constitute a registration council representative of the teaching profession, to whom shall be assigned the duty of forming and keeping a register of such teachers as satisfy the conditions of registration established by the Council for the time being, and who apply to be registered.

(2) The register shall contain the names and addresses of all registered teachers in alphabetical order in one column, together with the date of their registration, and such further statement as regards their attainments, training, and experience as the Council may from time to time determine that it is desirable to set forth.

(3) Any Order in Council under this section may be revoked, altered, or added to by any subsequent Order.

(4) Such provision shall be made by Order in Council under this section as may appear necessary or expedient for transferring any funds or property held by the existing Teachers' Registration Council to the Registration Council to be constituted under this section, and for winding up the business of the existing council and thereafter dissolving the council.

(5) The existing Teachers' Registration Council means the Teachers' Registration Council established by Order in Council made under paragraph (*a*) of section four of the Board of Education Act, 1899.

Repeal, short title, and construction.

17.—(1) The enactments mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

(2) This Act may be cited as the Education (Administrative Provisions) Act, 1907, and shall be construed as one with the Education Acts, 1870 to 1903, and those Acts and this Act are in this Act referred to as the Education Acts, and may be cited as the Education Acts, 1870 to 1907.

SCHEDULE.

Section 17.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
56 & 57 Vict. c. 42.	The Elementary Education (Blind and Deaf Children) Act, 1893.	The words "to the extent of not "less than one third defrayed out "of sources other than local rates "or moneys provided by Parliament and are," in paragraph (*b*) of subsection (1) of section seven.
62 & 63 Vict. c. 33.	The Board of Education Act, 1899.	Paragraph (*a*) of section four.
63 & 64 Vict. c. 53.	The Elementary Education Act, 1900.	Section five.
2 Edw. 7. c. 42.	The Education Act, 1902.	The words "ordinarily resident in the area of the council," in subsection two of section twenty-three.

CHAPTER 44.

An Act to provide for the Abolition of two Judgeships of the High Court in Ireland, and to reduce the Salary of the Lord Chancellor of Ireland, and for other purposes connected therewith. [28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Abolition of judgeships.

1. The two vacancies occurring next after the first day of March nineteen hundred and seven in the office of a judge of the King's Bench Division of the High Court in Ireland, other than the Lord Chief Justice, shall not be filled.

Salary of Lord Chancellor.

2. The annual salary attached to the office of Lord Chancellor of Ireland shall as from the passing of this Act be reduced to six thousand pounds.

Application of savings effected by Act.

3. An annual sum, to be paid out of money provided by Parliament, equal to the reduction of charge upon the Consolidated Fund of the United Kingdom effected by this Act shall be placed at the disposal of the Local Government Board for Ireland for the purposes of the Labourers (Ireland) Acts, and

6 Edw. 7. c. 37.

section thirteen of the Labourers (Ireland) Act, 1906, shall be construed as if the said annual sum were substituted therein for the sum mentioned in paragraph (*c*) of subsection one thereof.

Short title and citation.

4. This Act may be cited as the Supreme Court of Judicature (Ireland) Act, 1907, and may be cited with the Judicature (Ireland) Acts, 1877 to 1897.

CHAPTER 45.

An Act to render compulsory the carrying of Lights by Vehicles at Night. [28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Lights to be carried by vehicles at night.

1.—(1) Subject to the provisions of this Act, every person who shall cause or permit any vehicle to be in any street, highway, or road, to which the public have access, during the period between one hour after sunset and one hour before sunrise shall provide such vehicle with a lamp or lamps in proper working order, and so constructed and capable of being so attached as when lighted to display to the front a white light visible for a reasonable distance. If only one lamp is so provided it shall be placed on the off or right side of the vehicle, and, if the lamp or lamps are so constructed as to permit a light to be seen from the rear, that light shall be red.

(2) He shall also, if the vehicle is used for the purpose of carrying timber or any load projecting more than six feet to the rear, provide the same with a lamp or lamps in proper working order, and so constructed and capable of being so attached as when lighted to display to the rear a red light visible for a reasonable distance.

(3) Every person driving or being in charge of any vehicle in any street, highway, or road, to which the public have access during such period as aforesaid, shall keep such lamp or lamps properly trimmed, lighted, and attached.

Penalty.

2. If any person offends against any of the provisions of this Act, he shall be liable on summary conviction for each and every such offence to a penalty not exceeding forty shillings, and in the case of a second or subsequent conviction to a penalty not exceeding five pounds:

Provided that, if a person driving or being in charge of a vehicle is charged with an offence under this Act, he shall not be convicted thereof if he proves to the satisfaction of the court that such offence arose through the neglect or default of some other person, whose duty it was to provide the vehicle with a lamp or lamps.

Power of council of a borough to make orders of exemption.

3.—(1) The council of any borough may by order approved by the Secretary of State exempt from the operation of this Act, subject to any conditions mentioned in the order, any vehicle which is carrying any inflammable goods of a kind specified in the order, or any vehicle being within any place specified in the order in which, in the opinion of the council, it would be dangerous to enforce the provisions of this Act owing to the fact that inflammable goods are usually stored or dealt with in or near the place.

(2) Public notice of a proposal to make any order, and of the manner in which objections may be lodged to the proposed order, and of any order when made and approved, shall be given by the council of the borough in such manner as may be directed by the Secretary of State.

(3) The Secretary of State shall, before approving any order under this section, consider any objections to it which may be lodged in manner provided by this section, and may, if he thinks fit, order that a local inquiry be held with respect to the approval of the order, or with respect to any objections to the order.

(4) The person holding any such inquiry shall receive such remuneration as the Secretary of State may determine, and the remuneration and the expenses of the local inquiry shall be paid by the council of the borough out of the borough fund or rate.

(5) In the application of this section to the county of London, the London County Council shall be substituted for the council of a borough, and the county fund for the borough fund or rate; and, in the application of this section to the city of London, the mayor, aldermen, and commons of that city, in common council assembled, shall be substituted for the council of a borough, and the consolidated rate for the borough fund or rate.

(6) The Mersey Docks and Harbour Board shall as respects the area under their control have the same power to make an order of exemption under this section as the council of a borough have as respects their borough, and the powers of the council of a borough under this section shall not extend to any part of the borough which is situated within that area.

In the application of this section to the area under the control of the Board, the Board shall be substituted for the council of the borough, and the funds at the disposal of the Board for the borough fund or rate.

Power of county council to make orders of exemption for the purpose of harvesting.

4. The council of any county may by order exempt from the operation of this Act vehicles carrying in the course of harvesting operations any farm produce to stack or barn during such months or periods in the year as may be specified in the order, and any such orders may be made either to take effect throughout the whole county or to take effect in part only of the county. A copy of any order made by a council under this section shall, as soon as may be after it is made, be sent to the Secretary of

State, and any such order shall be published by the council by advertisement or otherwise in such manner as the council think best adapted for giving public notice thereof.

Application of Act and repeal of existing byelaws.

5.—(1) This Act shall apply to every sort of vehicle except the following :—

(*a*) Any bicycle, tricycle, or velocipede to which the provisions of section eighty-five of the Local Government Act, 1888, requiring lamps to be carried, apply ;

51 & 52 Vict. c. 41.

(*b*) Any light locomotive or motor car which is required to carry lamps under section two of the Locomotives on Highways Act, 1896, or any regulations made thereunder;

59 & 60 Vict. c. 36.

(*c*) Any other locomotive which is required to carry lights under section three of the Locomotives Act, 1865, as amended by section five of the Locomotives Act, 1898, or wagon drawn by that locomotive ;

28 & 29 Vict. c. 83. 61 & 62 Vict. c. 29.

(*d*) Any vehicle drawn or propelled by hand.

(2) This Act shall apply to any machine or implement of any kind drawn by animal traction as it applies to vehicles.

(3) Any byelaws under the Local Government Act, 1888, the Municipal Corporations Act, 1882, or any other Act, and any provisions of any local and personal Act, or byelaws or regulations made thereunder by a local authority, with respect to the carrying of lights on vehicles, shall so far as respects vehicles to which this Act applies cease to have effect, but this provision shall not affect any power under any such Act to make, with respect to the carrying of lights on vehicles, any fresh byelaw or regulation imposing obligations additional to those imposed by this Act.

45 & 46 Vict. c. 50.

(4) This Act shall apply to vehicles in the public service of the Crown, subject to any exceptions which His Majesty may make by Order in Council in the interests of the naval or military service of the Crown, and in the case of any such vehicle the person whom the department, in whose service the vehicle is used, names as the person actually responsible shall be deemed for the purposes of this Act to be the person who causes or permits the vehicle to be in any street, highway, or road.

Extent of Act.

6. This Act shall not apply to Scotland.

Application to Ireland.

7. In the application of this Act to Ireland, the Lord Lieutenant shall be substituted for the Secretary of State, and the provision as to the position of the lamp, if only one lamp is provided, shall not apply in the case of a bicycle, tricycle, velocipede, or other similar machine.

Short title.

8. This Act may be cited as the Lights on Vehicles Act, 1907.

Commencement of Act.

9. This Act shall come into force on the first day of January nineteen hundred and eight.

CHAPTER 46.

An Act to apply the provisions of the Life Assurance Companies Acts, 1870 to 1872, to companies carrying on the business of insuring Employers against liability to pay compensation or damages to workmen in their Employment. [28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Application of Acts.

1.—(1) The provisions of the Life Assurance Companies Acts, 1870 to 1872, relating to life assurance companies established or commencing to carry on the business of life assurance within the United Kingdom after the passing of the Life Assurance Companies Act, 1870, shall apply to every company, whether established before or after the passing of this Act, which carries on within the United Kingdom the business of insuring employers against liability to pay compensation or damages to workmen in their employment, subject to such necessary modifications and adaptations as may be made therein by Order in Council:

33 & 34 Vict. c. 61.

Provided that—

(*a*) those provisions shall not apply—

(i) to any company which carries on such business as aforesaid as incidental only to the business of marine insurance by issuing marine policies, or policies in the form of marine policies covering such liability as aforesaid, as well as marine adventure or adventures analogous thereto; or

(ii) to an association of employers which satisfies the Board of Trade that it is carrying on business wholly or mainly for the purpose of the mutual insurance of its members either against liability to pay compensation or damages to workmen employed by them, or against that liability and against any other risk incident to their trade or industry; or

(iii) to a member of Lloyd's or any other association of underwriters approved by the Board of Trade, provided that he complies with the requirements set forth in the Schedule to this Act; and

(*b*) such of those provisions as relate to deposits shall not apply to any company which has commenced to carry on such business as aforesaid within the United Kingdom before the passing of this Act.

(2) Where money is paid into a county court under the provisions of the Schedule to this Act, the court shall (unless

the court for special reason sees fit to direct otherwise) order the lump sum to be invested or applied, in the purchase of an annuity or otherwise, in such manner that the duration of the benefit thereof may, as far as possible, correspond with the probable duration of the incapacity.

(3) For the purposes of this section the expression "company" means any person or persons, corporate or unincorporate, not being registered under the Acts relating to friendly societies.

(4) In the application of this Act to Scotland the expression "county court" means sheriff court.

Short title and commencement.

2. This Act may be cited as the Employers' Liability Insurance Companies Act, 1907, and shall come into operation on such day as may be specified in an Order in Council under this Act.

Section 1.

SCHEDULE.

REQUIREMENTS TO BE COMPLIED WITH BY UNDERWRITERS.

1. Every underwriter shall deposit and keep deposited in such manner as the Board of Trade may direct a sum of two thousand pounds. The Board of Trade may make rules as to the payment, repayment, investment of, and dealing with a deposit, the payment of interest and dividends from any such investment, and for any other matters in respect of which they may make rules under section one of the Life Assurance Companies Amendment Act, 1872, in relation to deposits made by life assurance companies. The sum so deposited shall, so long as any liability under any policy issued by the underwriter remains unsatisfied, be available solely to meet claims under such policies.

2. Where the person insured by any policy issued by an underwriter is liable to make a weekly payment to any workman during the incapacity of the workman, and the weekly payment has continued for more than six months, the liability therefor shall before the expiration of twelve months from the commencement of the incapacity be redeemed by the payment of a lump sum in accordance with paragraph (17) of the First Schedule to the Workmen's Compensation Act, 1906, and the underwriter shall pay the lump sum into the county court, and shall inform the court that the redemption has been effected in pursuance of the provisions of this Schedule.

3. The underwriter shall furnish every year to the Board of Trade a statement in such form as may be prescribed by the Board showing the extent and character of the employers' liability business effected by him.

4. For the purposes of this Schedule "policy" means a policy insuring any employer against liability to pay compensation or damages to workmen in his employment.

CHAPTER 47.

An Act to amend the Law relating to Marriage with a Deceased Wife's Sister. [28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Marriage with a deceased wife's sister not to be deemed void as a civil contract except in certain cases.

1. No marriage heretofore or hereafter contracted between a man and his deceased wife's sister, within the realm or without, shall be deemed to have been or shall be void or voidable, as a civil contract, by reason only of such affinity: Provided always that no clergyman in holy orders of the Church of England shall be liable to any suit, penalty, or censure, whether civil or ecclesiastical, for anything done or omitted to be done by him in the performance of the duties of his office to which suit, penalty, or censure he would not have been liable if this Act had not been passed.

Provided also that when any minister of any church or chapel of the Church of England shall refuse to perform such marriage service between any persons who, but for such refusal, would be entitled to have the same service performed in such church or chapel, such minister may permit any other clergyman in holy orders in the Church of England, entitled to officiate within the diocese in which such church or chapel is situate, to perform such marriage service in such church or chapel.

Provided also that in case, before the passing of this Act, any such marriage shall have been annulled, or either party thereto (after the marriage and during the life of the other) shall have lawfully married another, it shall be deemed to have become and to be void upon and after the day upon which it was so annulled, or upon which either party thereto lawfully married another as aforesaid.

Saving of existing rights and interests.

2. No right, title, estate or interest, whether in possession or expectancy, and whether vested or contingent at the time of the passing of this Act, existing in, to, or in respect of, any dignity, title of honour, or property, and no act or thing lawfully done or omitted before the passing of this Act shall be prejudicially affected nor shall any will be deemed to have been revoked by reason of any marriage heretofore contracted as aforesaid being made valid by this Act. And no claim by the Crown for duties leviable on or with reference to death, and before the passing of this Act due and payable, and no payment, commutation, composition, discharge, or settlement of account in respect of any duties leviable on or with reference to death before the passing of this Act duly made or given, shall be prejudicially affected by anything herein contained.

Nothing in this Act shall affect the devolution or distribution of the real or personal estate of any intestate, not being a party

to the marriage, who at the time of the passing of this Act shall be, and shall until his death continue to be, a lunatic, so found by inquisition.

Saving for 20 & 21 Vict. c. 85. s. 27

3.—(1) Nothing in this Act shall remove wives' sisters from the class of persons adultery with whom constitutes a right, on the part of wives, to sue for divorce under the Matrimonial Causes Act, 1857.

Repealed by the Supreme Court of Judicature (Consolidation) Act 1925 (c. 49)

(2) Notwithstanding anything contained in this Act or the Matrimonial Causes Act, 1857, it shall not be lawful for a man to marry the sister of his divorced wife, or of his wife by whom he has been divorced, during the lifetime of such wife.

Liability of clergyman to ecclesiastical censure.

4. Nothing in this Act shall relieve a clergyman in holy orders of the Church of England from any ecclesiastical censure, to which he would have been liable if this Act had not been passed, by reason of his having contracted or hereafter contracting a marriage with his deceased wife's sister.

Interpretation.

5. In this Act the word "sister" shall include a sister of the half-blood.

Short title.

6. This Act may be cited as the Deceased Wife's Sister's Marriage Act, 1907.

CHAPTER 48.

An Act to amend the Law relating to the capacity of Women to be elected and act as Members of County or Town Councils in Scotland. [28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Provision as to capacity of women to be county or town councillors.

1.—(1) A woman shall not be disqualified by sex or marriage for being elected or being a councillor of the council of any county or burgh in Scotland, but shall not—

(*a*) if elected as a councillor, by virtue of holding that office be eligible for election, or for acting, as a burgh magistrate, or as a judge in any police court, or as a member of a licensing court or court of appeal; or

(*b*) if elected as chairman of a county council or provost of a burgh, by virtue of holding or having held that office be a justice of the peace or burgh magistrate, or be eligible for election, or for acting, as a burgh magistrate, or as a judge in any police court: Provided that, where a woman is elected as provost of a burgh, the number of bailies to be elected in the burgh shall, while she holds office as provost, be one more than the number otherwise fixed by law, and

any additional bailie so elected shall hold office for the period prescribed by the law regulating the office of burgh magistrate or bailie, subject to the provision that he shall in no case continue to hold office after the woman has ceased to hold office as provost.

(2) Subsection (1) of section nine of the Local Government (Scotland) Act, 1889, and the word "male" occurring in section twelve of the Town Councils (Scotland) Act, 1900, are hereby repealed. 52 & 53 Vict. c. 50. 63 & 64 Vict. c. 49.

2. In this Act the words "burgh" and "provost" have the meanings assigned to them in the Town Councils (Scotland) Act, 1900, and the word "county" does not include a county of a city. Definitions.

3. This Act may be cited as the qualification of Women (County and Town Councils) (Scotland) Act, 1907, and shall apply to Scotland only. Short title and extent.

CHAPTER 49.

An Act to amend the Law with respect to Vaccination in Scotland by authorising a statutory declaration of conscientious objection. [28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—(1) No parent or other person shall be liable to any penalty under section seventeen or section eighteen of the Vaccination (Scotland) Act, 1863, if within six months from the birth of the child he makes a statutory declaration that he conscientiously believes that vaccination would be prejudicial to the health of the child, and within seven days thereafter delivers the declaration to the registrar of the district in which such child was born and registered. A registrar to whom such a declaration is duly delivered shall not, so far as regards the child named therein, carry out the procedure as to intimation and transmission prescribed by the said sections in respect of the failure to transmit to him the certificate in those sections mentioned. Statutory declaration as to conscientious objection and exemption from penalties. 26 & 27 Vict. c. 108.

(2) A registrar shall keep such record of statutory declarations as may be prescribed by the Registrar-General, and shall furnish to any local authority executing the Public Health (Scotland) Act, 1897, within his district such periodical returns of statutory declarations as may be required of him and approved by the Local Government Board for Scotland, and for each declaration intimated in any such return he shall be paid by the local authority the sum of twopence, and the local 60 & 61 Vict. c. 38.

authority shall provide the forms on which such returns are to be made and shall pay for their transmission by letter post.

(3) A registrar shall at any reasonable time allow searches to be made in such record of statutory declarations, and shall upon demand give a copy certificated under his hand of any entry therein on payment of the fee for a search and certificate respectively prescribed by section fifteen of the Vaccination (Scotland) Act, 1863.

(4) A statutory declaration made for the purposes of this Act shall be exempt from stamp duty.

(5) A statutory declaration for the purposes of this Act shall be made in the form set out in the schedule to this Act, or in a form to the like effect.

(6) In the application of this Act to a child born before the passing thereof there shall be substituted for the period of six months from the birth of the child the period of six months from the passing of this Act.

Short title and extent.

2. This Act shall apply to Scotland only, and may be cited as the Vaccination (Scotland) Act, 1907; and the Vaccination (Scotland) Act, 1863, and this Act shall be construed together as one Act, and may be cited collectively as the Vaccination (Scotland) Acts, 1863 to 1907.

SCHEDULE.

FORM OF DECLARATION.

I, *A.B.*, of , in the parish of , being the father [*or* mother, *or* person having the care, nurture, or custody] of a child named *C.D.*, who was born at on the day of 19 , do hereby solemnly and sincerely declare that I conscientiously believe that vaccination would be prejudicial to the health of the child, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Dated this day of 19 .

(Signed) *A.B.*

Declared before me at on the day of 19 .

(Signed) *E.F.*,
A Justice of the Peace [*or* Magistrate *or* Judge Ordinary].

CHAPTER 50.

An Act to amend the Companies Acts, 1862 to 1900.

[28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Prospectus and Allotment.

Obligations of companies where no prospectus is issued.

1.—(1) A company which does not issue a prospectus on, or with reference to, its formation shall not allot any of its shares or debentures unless before the first allotment of either shares or debentures there has been filed with the registrar a statement in lieu of prospectus, signed by every person who is named therein as a director or proposed director of the company or by his agent authorised in writing, in the form and containing the particulars set out in the First Schedule to this Act.

63 & 64 Vict. c. 48.

(2) Sections two, six, and eleven of the Companies Act, 1900, as amended by this Act, shall apply to companies which do not issue a prospectus inviting public subscription of their shares, subject to the modifications set out in the Second Schedule to this Act.

(3) In the case of the first allotment of share capital payable in cash of a company which does not issue any invitation to the public to subscribe for its shares, no allotment shall be made unless the minimum subscription (that is to say):—

(*a*) the amount (if any) fixed by the memorandum or articles of association and named in the statement in lieu of prospectus as the minimum subscription upon which the directors may proceed to allotment; or

(*b*) if no amount is so fixed and named, then the whole amount of the share capital other than that issued or agreed to be issued as fully or partly paid up otherwise than in cash,

has been subscribed and an amount not less than five per cent. of the nominal amount of each share payable in cash has been paid to and received by the company.

(4) Section five of the Companies Act, 1900, shall apply as if the foregoing provisions of this section were included amongst the foregoing provisions of that Act mentioned in the said section five.

(5) This section shall not apply to private companies as defined by this Act, or to any company which has allotted any shares or debentures before the commencement of this Act.

Amendment of 63 & 64 Vict. c. 48. s. 10.

2.—(1) The following subsection shall be substituted for subsection one of section ten of the Companies Act, 1900:—

"(1) Every prospectus issued by or on behalf of a company, or by or on behalf of any person who is or has been engaged or interested in the formation of the company, must state—

"(*a*) the contents of the memorandum of association, with the names, descriptions, and addresses of the signatories, and the number of shares subscribed for by them respectively; and the number of founders or management or deferred shares, if any, and the nature and extent of the interest of the holders in the property and profits of the company; and

"(*b*) the number of shares, if any, fixed by the articles of association as the qualification of a director, and any provision in the articles of association as to the remuneration of the directors; and

"(*c*) the names, descriptions, and addresses of the directors or proposed directors; and

"(*d*) the minimum subscription on which the directors may proceed to allotment, and the amount payable on application and allotment on each share; and in the case of a second or subsequent offer of shares the amount offered for subscription on each previous allotment made within the two preceding years, and the amount actually allotted; and the amount, if any, paid on such shares; and

"(*e*) the number and amount of shares and debentures which within the two preceding years have been issued, or agreed to be issued, as fully or partly paid up otherwise than in cash, and in the latter case the extent to which they are so paid up, and in either case the consideration for which such shares or debentures have been issued or are proposed or intended to be issued; and

"(*f*) the names and addresses of the vendors of any property purchased or acquired by the company, or proposed so to be purchased or acquired, which is to be paid for wholly or partly out of the proceeds of the issue offered for subscription by the prospectus, or the purchase or acquisition of which has not been completed at the date of publication of the prospectus, and the amount payable in cash, shares, or debentures to the vendor, and, where there is more than one separate vendor, or the company is a sub-purchaser, the amount so payable to each vendor; provided that, where the vendors or any of them are a firm, the members of the firm shall not be treated as separate vendors; and

"(*g*) the amount (if any) paid or payable as purchase money in cash, shares, or debentures of any such property as aforesaid, specifying the amount (if any) payable for goodwill; and

"(*h*) the amount (if any) paid within the two preceding years or payable as commission for subscribing or agreeing to subscribe, or procuring or agreeing to procure subscriptions, for any shares in, or debentures of, the company, or the rate of any such commission; provided that it shall not be necessary to state the commission payable to sub-underwriters; and

"(*i*) the amount or estimated amount of preliminary expenses; and

"(*j*) the amount paid within the two preceding years, or intended to be paid, to any promoter and the consideration for any such payment; and

"(*k*) the dates of and parties to every material contract, and a reasonable time and place at which any material contract or a copy thereof may be inspected: Provided that this requirement shall not apply to a contract entered into in the ordinary course of the business carried on or intended to be carried on by the company, or to any contract entered into more than two years before the date of publication of the prospectus; and

"(*l*) the names and addresses of the auditors (if any) of the company; and

"(*m*) full particulars of the nature and extent of the interest (if any) of every director in the promotion of, or in the property proposed to be acquired by, the company, or, where the interest of such a director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or shares or otherwise by any person either to induce him to become, or to qualify him as, a director, or otherwise for services rendered by him or by the firm in connection with the promotion or formation of the company; and

"(*n*) where the company is a company having shares of more than one class, the right of voting at meetings of the company conferred by the several classes of shares respectively."

(2) The said section of the Companies Act, 1900, shall not apply to a circular or notice inviting existing members or debenture holders of the company to subscribe for shares or debentures of the company, whether with or without the right to renounce in favour of other persons, and accordingly in subsection four of that section for the words "for further shares or debentures" there shall be substituted the words "for shares or "debentures of the company, whether with or without the right "to renounce in favour of other persons."

Penalty for failure to file prospectus.

3. If a prospectus is issued without a copy thereof being filed for registration as required by section nine of the Companies Act, 1900, the company and every person who is knowingly a party to the issue of the prospectus shall on conviction be liable to a fine not exceeding five pounds for every day from the date of the issue of the prospectus until a copy thereof is so filed.

Simultaneous offer and allotment of shares and debentures.

4. The following provisions shall be substituted for subsection four of section six of the Companies Act, 1900:—

"(4) Nothing in this section shall prevent the simultaneous offer for subscription or allotment of any shares and debentures, or the receipt of any money payable on application for debentures."

Limitation of time for issue of certificates.

5.—(1) Every company shall within two months after the allotment of any of its shares, debentures, or debenture stock, and within two months after the registration of the transfer of any such shares, debentures, or debenture stock, complete and have ready for delivery the certificates of all shares, the debentures, and the certificates of all debenture stock allotted or transferred, unless the conditions of issue of the shares, debentures, or debenture stock otherwise provide.

(2) If default is made in complying with the requirements of this section, the company, and every director, manager, secretary, and other officer of the company who is knowingly a party to the default, shall on conviction be liable to a fine not exceeding five pounds for every day during which the default continues.

Filing of contracts of allotment of shares not payable in cash.

6.—(1) Where such a contract as is mentioned in paragraph (*b*) of sub-section (1) of section seven of the Companies Act, 1900, is not reduced to writing, the company shall, within the time limited in the said section, file with the registrar the prescribed particulars of the contract stamped with the same stamp duty as would have been payable if the contract had been reduced to writing.

54 & 55 Vict. c. 39.

(2) Such particulars shall be deemed to be an instrument within the meaning of the Stamp Act, 1891, and the registrar may, as a condition of filing the particulars, require that the duty payable thereon be adjudicated under section twelve of that Act.

(3) The provisions of section seven of the Companies Act, 1900, imposing penalties for default shall apply as if the requirement of this section were a requirement contained in that section.

(4) If default has been made in filing with the registrar within the time limited by section seven of the Companies Act, 1900, any document required to be filed by that section or this section, the company, or any person liable for the default, may apply to the court for relief, and the court, if satisfied that the omission to file the document was accidental or due to inadvertence or that it is just and equitable to grant relief, may make an order extending the time for the filing of the document for such period as the court may think proper.

PAYMENT OF COMMISSIONS.

Statement as to commissions and discounts.

7. The total amount of the sums paid by way of commission in respect of any shares or debentures, or allowed by way of discount in respect of any debentures, shall be stated in the summary made under section twenty-six of the Companies Act, 1862, next after the payment of the commission or the allowance of the discount, and the total amount thereof, or so much thereof as has not been written off, shall be stated in every balance sheet until the whole amount thereof has been written off.

25 & 26 Vict. c. 89.

8.—(1) For removing doubts it is hereby declared that a vendor to, promoter of, or other person who receives payment in money or shares from, a company has, and always has had, power to apply any part of the money or shares so received in payment of any commission, the payment of which, if made directly by the company, would have been legal under section eight of the Companies Act, 1900. Amendment of 63 & 64 Vict. c. 48. s. 8.

(2) The said section shall apply in cases where the shares are not offered to the public for subscription; provided that the payment of the commission is authorised by the articles of association of the company, and that the amount or rate paid or agreed to be paid as commission is disclosed in the statement in lieu of prospectus, or in a statement in the prescribed form verified in like manner as a statement in lieu of prospectus, and filed with the registrar, and, where a circular or notice, not being a prospectus, inviting subscriptions for the shares is issued, also disclosed in that circular or notice.

Payment of Interest out of Capital.

9. Where any shares of a company are issued for the purpose of raising money to defray the expenses of the construction of any works or buildings or the provision of any plant which cannot be made profitable for a lengthened period, the company may pay interest on so much of such share capital as is for the time being paid up for the period and subject to the conditions and restrictions in this section mentioned, and may charge the same to capital as part of the cost of construction of the work, building, or plant: Power of company to pay interest out of capital in certain cases.

Provided that—

(1) No such payment shall be made unless the same is authorised by the company's articles of association or by special resolution of the company:

(2) No such payment, whether authorised by the articles of association or by special resolution, shall be made without the previous sanction of the Board of Trade:

(3) Before sanctioning any such payment the Board of Trade may, at the expense of the company, appoint a person to inquire and report to them as to the circumstances of the case, and may, before making the appointment, require the company to give security for payment of the costs of the inquiry:

(4) The payment shall be made only for such period as may be determined by the Board of Trade; and such period shall in no case extend beyond the close of the half year next after the half year during which the works or buildings have been actually completed or the plant provided:

(5) The rate of interest shall in no case exceed four per cent. per annum or such lower rate as may for the time being be prescribed by Order in Council :

(6) The payment of such interest shall not operate as a reduction of the amount paid up on the shares in respect of which it is paid :

(7) The accounts of the company shall show the capital on which, and the rate at which, interest has been paid out of capital during the period to which the accounts relate :

57 & 58 Vict. c. 12.

(8) Nothing in this section shall affect any company to which the Indian Railways Act, 1894, as amended by any subsequent enactment, applies.

MORTGAGES AND CHARGES.

Amendment of 63 & 64 Vict. c. 48. s. 14 as to registration of mortgages and charges.

10.—(1) Every mortgage or charge created by a company after the commencement of this Act and being either—

(*a*) a mortgage or charge for the purpose of securing any issue of debentures ; or

(*b*) a mortgage or charge on uncalled capital of the company ; or

(*c*) a mortgage or charge created or evidenced by an instrument which, if executed by an individual, would require registration as a bill of sale ; or

(*d*) a mortgage or charge on any land, wherever situate, or any interest therein ; or

(*e*) a mortgage or charge on any book debts of the company ; or

(*f*) a floating charge on the undertaking or property of the company,

shall, so far as any security on the company's property or undertaking is thereby conferred, be void against the liquidator and any creditor of the company, unless the prescribed particulars of the mortgage or charge, together with the instrument (if any) by which the mortgage or charge is created or evidenced, are delivered to or received by the registrar for registration in manner required by this Act within twenty-one days after the date of its creation, but without prejudice to any contract or obligation for repayment of the money thereby secured, and where a mortgage or charge becomes void under this section the money secured thereby shall immediately become payable :

Provided that—

(i) In the case of a mortgage or charge created out of the United Kingdom comprising solely property situate outside the United Kingdom, the delivery to and the receipt by the registrar of a copy of the instrument by which the mortgage or charge is created or

evidenced, verified in the prescribed manner, shall have the same effect for the purposes of this section as the delivery and receipt of the instrument itself, and twenty-one days after the date on which the instrument or copy could, in due course of post, and if despatched with due diligence, have been received in the United Kingdom, shall be substituted for twenty-one days after the date of the creation of the mortgage or charge, as the time within which the particulars and instrument or copy are to be delivered to the registrar; and

(ii) where the mortgage or charge is created in the United Kingdom but comprises property outside the United Kingdom, the instrument creating or purporting to create such mortgage or charge may be sent for registration, notwithstanding that further proceedings may be necessary to make such mortgage or charge valid or effectual according to the law of the country in which such property is situate; and

(iii) where a negotiable instrument has been given to secure the payment of any book debts of a company, the deposit of the instrument for the purpose of securing an advance to the company shall not for the purposes of this section be treated as a mortgage or charge on those book debts;

(iv) the holding of debentures entitling the holder to a charge on land shall not be deemed to be an interest in land.

(2) The registrar shall keep, with respect to each company, a register in the prescribed form of all such mortgages and charges created by the company after the commencement of this Act, and requiring registration under this section, and shall, on payment of the prescribed fee, enter in the register, with respect to every such mortgage or charge, the date of creation, the amount secured by it, short particulars of the property mortgaged or charged, and the names of the mortgagees or persons entitled to the charge.

(3) Where a series of debentures containing, or giving by reference to any other instrument, any charge to the benefit of which the debenture holders of that series are entitled pari passu, is created by a company, it shall be sufficient if there are delivered to or received by the registrar within twenty-one days after the execution of the deed containing the charge or, if there is no such deed, after the first issue of any debentures of the series the following particulars:—

(*a*) the total amount secured by the whole series; and

(*b*) the dates of the resolutions authorising the issue of the series and the date of the covering deed, if any, by which the security is created or defined; and

(*c*) a general description of the property charged; and

(*d*) the names of the trustees, if any, for the debenture holders:

together with the deed containing the charge, or, if there is no such deed, one of the debentures of the series, and the registrar shall, on payment of the prescribed fee, enter such particulars in the register:

Provided that, where more than one issue is made of debentures in the series, there shall be sent to the registrar for entry on the register particulars of the date and amount of each issue, but an omission to do this shall not affect the validity of the debentures issued.

(4) Where any commission, allowance, or discount has been paid or made, either directly or indirectly, by the company to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any debentures of the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any such debentures, the particulars required for registration under this section shall include particulars as to the amount or rate per cent. of the commission, discount, or allowance so paid or made, but an omission to do this shall not affect the validity of the debentures issued:

Provided that the deposit of any debentures as security for any debt of the company shall not for the purposes of this provision be treated as the issue of the debentures at a discount.

(5) The registrar shall give a certificate under his hand of the registration of any mortgage or charge registered in pursuance of this section, stating the amount thereby secured (which certificate shall be conclusive evidence that the requirements of this section as to registration have been complied with), and the company shall cause a copy of the certificate so given to be endorsed on every debenture or certificate of debenture stock which is issued by the company, and the payment of which is secured by the mortgage or charge so registered:

Provided that nothing in this subsection shall be construed as requiring a company to cause a certificate of registration of any mortgage or charge given under this section to be endorsed on any debenture or certificate of debenture stock which has been issued by the company before the mortgage or charge was created.

(6) It shall be the duty of the company to send to the registrar for registration the particulars of every mortgage or charge created by the company and of the issues of debentures of a series and requiring registration under this section, but registration of any such mortgage or charge may be effected on the application of any person interested therein, and, if the company fail to comply with the requirements of this subsection, then, unless the registration has been effected on the application of some other person, the company, and every director, manager, secretary, or other person who is knowingly a party to the

default, shall on conviction be liable to a fine not exceeding fifty pounds for every day during which the default continues.

Where the registration is effected on the application of some person other than the company, that person shall be entitled to recover from the company the amount of any fees properly paid by him to the registrar on the registration.

(7) The register kept, in pursuance of this section, of the mortgages and charges of each company shall be open to inspection by any person on payment of the prescribed fee, not exceeding one shilling for each inspection.

(8) Every company shall cause a copy of every instrument creating any mortgage or charge requiring registration under this section to be kept at the registered office of the company, and to be open to inspection by the members and creditors of the company in like manner as the register of mortgages under section forty-three of the Companies Act, 1862, and the provisions of that section (including the penal provisions thereof) shall apply accordingly: Provided that, in the case of a series of uniform debentures, a copy of one such debenture shall be sufficient.

(9) Section fourteen of the Companies Act, 1900, is hereby repealed.

Registration of enforcement of security.

11.—(1) If any person obtains an order for the appointment of a receiver or manager of the property of a company, or appoints such a receiver or manager under any powers contained in any instrument, he shall, within seven days from the date of the order or of the appointment under the powers contained in the instrument, give notice of the fact to the registrar, and the registrar shall, on payment of the prescribed fee, enter the fact on the register of mortgages and charges.

(2) Where, at the commencement of this Act, any such receiver or manager is acting under an order or appointment made before the commencement of this Act, the notice shall be given within seven days after the commencement of this Act.

(3) If any person makes default in complying with the requirements of this section he shall on conviction be liable to a fine not exceeding five pounds for every day during which the default continues.

Registration of secured debts created before 1st of July 1908.

12.—(1) It shall be the duty of a company, within three months after the commencement of this Act, to send to the registrar for registration a statement of the total amount outstanding at the commencement of this Act of the debts of the company secured by mortgages or charges created before the commencement of this Act, which under the provisions of this Act would have required registration had they been created after the commencement of this Act, except those already required to be registered under section fourteen of the Companies Act, 1900, and the registrar shall, on payment of the

prescribed fee, enter those particulars on the register of mortgages and charges :

Provided that the neglect of the company to comply with the provisions of this subsection shall not prejudice the rights under any such mortgage or charge of any person in whose favour the mortgage or charge was made.

(2) If the company fail to comply with the requirements of this section, the company, and every director, manager, secretary, or other person who is knowingly a party to the default, shall on conviction be liable to a fine not exceeding fifty pounds for every day during which the default continues.

Effect of floating charge.

13. Where a company is being wound up, a floating charge on the undertaking or property of the company created within three months of the commencement of the winding up shall, unless it is proved that the company immediately after the creation of the charge was solvent, be invalid, except to the amount of any cash paid to the company at the time of or subsequently to the creation of, and in consideration for, the charge, together with interest on that amount at the rate of five per cent. per annum.

Perpetual debentures.

14. For removing doubts it is hereby declared that a condition contained in any debentures or in any deed for securing debentures, whether issued or executed before or after the passing of this Act, shall not be invalid by reason only that thereby the debentures are made irredeemable, or redeemable only on the happening of a contingency, however remote, or on the expiration of a period, however long, any rule of equity to the contrary notwithstanding.

Power to reissue redeemed debentures in certain cases.

15.—(1) Where either before or after the passing of this Act a company has redeemed any debentures previously issued, the company, unless the articles of association of the company or the conditions of issue expressly otherwise provide, or unless the debentures have been redeemed in pursuance of any obligation on the Company so to do, and not being an obligation enforceable only by the person to whom the redeemed debentures were issued, or his assigns, shall have power, and shall be deemed always to have had power, to keep the debentures alive for the purposes of re-issue, and where a company has purported to exercise such a power the company shall have power, and shall be deemed always to have had power, to re-issue the debentures either by re-issuing the same debentures or by issuing other debentures in their place, and upon such a re-issue the person entitled to the debentures shall have, and shall be deemed always to have had, the same rights and priorities as if the debentures had not previously been issued.

(2) Where with the object of keeping debentures alive for the purpose of re-issue they have either before or after the passing of this Act been transferred to a nominee of the company, a transfer from that nominee shall be deemed to be a re-issue for the purposes of this section.

(3) Where a company has either before or after the passing of this Act deposited any of its debentures to secure advances from time to time on current account or otherwise, the debentures shall not be deemed to have been redeemed by reason only of the account of the company having ceased to be in debit whilst the debentures remained so deposited.

(4) The re-issue of a debenture or the issue of another debenture in its place under this section, whether made before or after the passing of this Act, shall be treated as the issue of a new debenture for the purposes of stamp duty, but it shall not be so treated for the purposes of any provision limiting the amount or number of debentures to be issued: Provided that any person lending money on the security of a debenture re-issued under this section which appears to be duly stamped may give the debenture in evidence in any proceedings for enforcing his security without payment of the stamp duty or any penalty in respect thereof, unless he had notice or, but for his negligence, might have discovered that the debenture was not duly stamped, but in any such case the company shall be liable to pay the proper stamp duty and penalty.

(5) Nothing in this section shall prejudice—

(*a*) the operation of any judgment or order of a court of competent jurisdiction pronounced or made before the seventh day of March one thousand nine hundred and seven as between the parties to the proceedings in which the judgment was pronounced or the order made, and any appeal from any such judgment or order shall be decided as if this Act had not been passed; or

(*b*) any power to issue debentures in the place of any debentures paid off, or otherwise satisfied or extinguished, reserved to a company by its debentures or the securities for the same.

Specific performance of contract to subscribe for debentures.

16. A contract with a company to take up and pay for any debentures of the company may be enforced by an order for specific performance.

Inspection of register of mortgages.

17. The register of mortgages required by section forty-three of the Companies Act, 1862, shall be open to inspection by any person other than a creditor or member of the company on payment of such fee, not exceeding one shilling for each inspection, as may be fixed by regulations of the company, and that section shall apply accordingly.

Right of debenture holders to inspect the register of debenture holders and to have copies of trust deed.

18.—(1) Every register of holders of debentures of a company shall, except when closed in accordance with the articles of the company during such period or periods (not exceeding in the whole thirty days in any year) as may be specified in the articles, be open to the inspection of the registered holder of any such debentures, and of any holder of shares in the company, but subject to such reasonable restrictions as the company

may in general meeting impose, so that at least two hours in each day are appointed for inspection, and every such holder may require a copy of such register or any part thereof on payment of sixpence for every one hundred words required to be copied.

(2) A copy of any trust deed for securing any issue of debentures shall be forwarded to every holder of any such debentures at his request on payment, in the case of a printed trust deed, of the sum of one shilling or such less sum as may be prescribed by the company for such copy, or, where the trust deed has not been printed, on payment of sixpence for every one hundred words required to be copied.

(3) If inspection is refused, or a copy is refused or not forwarded, the company shall on conviction be liable to a fine not exceeding five pounds, and to a further fine not exceeding two pounds for every day during which the refusal continues, and every director, manager, secretary, or other officer of the company who knowingly authorises or permits such refusal shall incur the like liability.

AUDITORS; BALANCE SHEET; AND REPORTS.

Auditors.

19. The following section shall be substituted for section twenty-three of the Companies Act, 1900:—

"(1) Every auditor of the company shall have a right of access at all times to the books and accounts and vouchers of the company, and shall be entitled to require from the directors and officers of the company such information and explanation as may be necessary for the performance of the duties of the auditors.

"(2) The auditors shall make a report to the shareholders on the accounts examined by them, and on every balance sheet laid before the company in general meeting during their tenure of office, and the report shall state—

"(*a*) whether or not they have obtained all the information and explanations they have required; and

"(*b*) whether, in their opinion, the balance sheet referred to in the report is properly drawn up so as to exhibit a true and correct view of the state of the company's affairs according to the best of their information and the explanations given to them, and as shown by the books of the company.

"(3) The balance sheet shall be signed on behalf of the board by two of the directors of the company or, if there is only one director, by that director, and the auditors' report shall be attached to the balance sheet, or there shall be inserted at the foot of the balance sheet a reference to the report, and the report shall be read before the company in general meeting, and shall be open to inspection by any shareholder, who shall be entitled to be furnished with a copy of the balance sheet and auditor's report at a charge not exceeding sixpence for every hundred words.

"(4) A person, other than a retiring auditor, shall not be capable of being appointed auditor at an annual general meeting unless notice of an intention to nominate that person to the office of auditor has been given by a shareholder to the company not less than fourteen days before the annual general meeting, and the company shall send a copy of any such notice to the retiring auditor, and shall give notice thereof to the shareholders, either by advertisement or in any other mode allowed by the articles, not less than seven days before the annual general meeting: Provided that if, after a notice of the intention to nominate an auditor has been so given, an annual general meeting is called for a date fourteen days or less after that notice has been given, the notice, though not given within the time required by this provision, shall be deemed to have been properly given for the purposes thereof, and the notice to be sent or given by the company may, instead of being sent or given within the time required by this provision, be sent or given at the same time as the notice of the general annual meeting.

"(5) If any copy of a balance sheet which has not been signed as required by this section is issued, circulated, or published, or if any copy of a balance sheet is issued, circulated, or published without either having a copy of the auditor's report attached thereto or containing such reference to that report as is required by this section, the company, and every director, manager, secretary, or other officer of the company who is knowingly a party to the default, shall on conviction be liable to a fine not exceeding fifty pounds."

Application to Scotland of s. 26 of 25 & 26 Vict. c. 89, and s. 19 of 63 & 64 Vict. c. 48.

20. In the case of companies registered in Scotland the summary mentioned in section twenty-six of the Companies Act, 1862, in addition to the particulars required to be specified by that section and by section nineteen of the Companies Act, 1900, shall also specify the total amount of debt due from the company in respect of all mortgages and charges, which, if the company had been registered in England, would be required, under this Act, to be filed for registration, or would have been required so to be filed if created after the commencement of this Act.

Filing of annual statement of affairs by limited companies.

21. Every company required to forward to the registrar a summary under section twenty-six of the Companies Act, 1862, shall include in that summary a statement, made up to such date as may be specified in the statement, in the form of a balance sheet, audited by the company's auditors, and containing a summary of its capital, its liabilities, and its assets, giving such particulars as will disclose the general nature of such liabilities and assets, and how the values of the fixed assets have been arrived at, but the balance sheet need not include a statement of profit and loss: Provided that this section shall not apply to any private company.

Report by directors under 63 & 64 Vict. c. 48. s. 12.

22.—(1) The report, which the directors are required by section twelve of the Companies Act, 1900, to forward to every member of the company at least seven days before the date on which the statutory meeting of the company is held, shall contain an abstract of the receipts of the company on account of its capital, whether from shares or debentures, and of the payments made thereout, up to a date within seven days of the date of the report, exhibiting under distinctive headings the receipts of the company from shares and debentures and other sources, the payments made thereout, and particulars concerning the balance remaining in hand, and an account or estimate of the preliminary expenses of the company.

(2) A private company shall not be required to forward or to file the report required under section twelve of the Companies Act, 1900.

Rights of preference shareholders, &c., as to receipt and inspection of reports, &c.

23.—(1) Holders of preference shares and debentures of a company shall have the same right to receive and inspect the balance sheets of the company and the reports of the auditors and other reports as are possessed by the holders of ordinary shares in the company.

(2) This section shall not apply to a private company nor to a company registered before the commencement of this Act.

GENERAL MEETING, &c.

Annual general meeting.

24.—(1) The following section shall be substituted for section forty-nine of the Companies Act, 1862 :—

"A general meeting of every company shall be held once at least in every calendar year, and not more than fifteen months after the holding of the last preceding general meeting, and, if not so held, the company, and every director, manager, secretary, and other officer of the company who is knowingly a party to the default, shall on conviction be liable to a fine not exceeding fifty pounds."

(2) When default has been made in holding a meeting of the company in accordance with the provisions of this section, the court may on the application of any member of the company call or direct the calling of a general meeting of the company.

(3) Any company which is a member of another company may, by minute of the directors, authorise any of its officials or any other person to act as its representative at any meeting of the latter company, and such representative shall be entitled to exercise the same functions on behalf of the company which he represents as if he had been an individual shareholder.

Poll.

25. A poll may be demanded at a meeting of a company at which a special resolution is submitted to be passed or confirmed under section fifty-one of the Companies Act, 1862, if demanded by three persons for the time being entitled according to the articles of the company to vote, unless the articles of the company require a demand by such number of such persons, not in any case exceeding five, as may be specified in the articles.

WINDING UP.

Amendment of law as to voluntary winding up. 25 & 26 Vict. c. 89.

26. The liquidator of a company being wound up voluntarily shall, within twenty-one days after his appointment, file with the registrar a notice of his appointment in the prescribed form, and if any liquidator contravenes this provision he shall on conviction be liable to a fine not exceeding five pounds for every day during which the contravention continues.

Rights of creditors in a voluntary winding up.

27.—(1) Every liquidator appointed by a company in a voluntary winding-up shall, within seven days from his appointment, send notice by post to all persons who appear to him to be creditors of the company that a meeting of the creditors of the company will be held on a date, not being less than fourteen days nor more than twenty-one days after his appointment, and at a place and hour to be specified in the notice, and shall also advertise notice of the meeting once in the Gazette and once at least in two local newspapers circulating in the district where the registered office or principal place of business of the company was situate.

(2) At the meeting to be held in pursuance of the foregoing provisions of this section the creditors shall determine whether an application shall be made to the court for the appointment of any person as liquidator in the place of, or jointly with, the liquidator appointed by the company, or for the appointment of a committee of inspection, and, if the creditors so resolve, an application may be made accordingly to the court at any time, not later than fourteen days after the date of the meeting, by any creditor appointed for the purpose at the meeting.

(3) On any such application the court may make an order either for the removal of the liquidator appointed by the company and for the appointment of some other person as liquidator, or for the appointment of some other person to act as liquidator jointly with the liquidator appointed by the company, or for the appointment of a committee of inspection either together with or without any such appointment of a liquidator, or such other order as, having regard to the interests of the creditors and contributories of the company, may seem just, and no appeal shall lie from an order of the court upon such application.

(4) The court shall make such order as to the costs of such application as it may think fit, and, if the court should be of opinion that, having regard to the interests of the creditors in the liquidation, there were reasonable grounds for the application, the court may order the costs of such application to be paid out of the assets of the company notwithstanding that such application is dismissed or otherwise disposed of adversely to the applicant.

(5) The expression "Gazette" in this section means in the case of a company registered in England the London Gazette, in the case of a company registered in Scotland the Edinburgh Gazette, and in the case of a company registered in Ireland the Dublin Gazette.

Reckoning of contingent liabilities on petition to wind up.

28. In determining whether a company is unable to pay its debts within the meaning of section eighty of the Companies Act, 1862, the court shall take into account the contingent and prospective liabilities of the company, and any contingent or prospective creditor shall be a creditor entitled to present a petition for winding up the company under section eighty-two of that Act: Provided that the court shall not give a hearing to a petition for winding up the company by such a creditor, until such security for costs has been given as the court thinks reasonable, and until a primâ facie case for winding up has been established to the satisfaction of the court.

Winding-up order where company has no assets.

29. An order to wind up a company shall not be refused on the ground only that the assets of the company have been mortgaged to an amount equal to or in excess of those assets, or that the company has no assets.

Amendment of 51 & 52 Vict. c. 62. and 52 & 53 Vict. c. 60.

30. In the Preferential Payments in Bankrupty Act, 1888, and the Preferential Payments in Bankruptcy (Ireland) Act, 1889, the date on which the order to wind up was made shall, in the case of a company ordered to be wound up compulsorily, be substituted for the date of the commencement of the winding up of the company:

Provided that this provision shall not apply where the order is made with respect to a company which before the date of the order had commenced to be wound up voluntarily.

Dissolution of companies.

31.—(1) Where a company has been wound up voluntarily and the return made by the liquidators to the registrar under section one hundred and forty-three of the Companies Act, 1862, has been registered in accordance with that section, the court may, on the application of the liquidators or of any other person who appears to the court to be interested, make an order deferring the date at which the dissolution of the company is to take effect for such time as to the court seems fit.

(2) Where a company has been dissolved, the court may at any time within two years of the date of the dissolution, on an application being made for the purpose by the liquidators of the company or by any other person who appears to the court to be interested, make an order, upon such terms as the court thinks fit, declaring the dissolution to have been void, and thereupon such proceedings may be taken as might have been taken if the company had not been dissolved.

(3) It shall be the duty of the person on whose application any such order was made, within seven days after the making of the order, to file with the registrar an office copy of the order, and if such person fails to do so he shall be liable on conviction to a fine not exceeding five pounds for every day during which the default continues.

DIRECTORS.

Power of court to grant relief in certain cases.

32. If in any proceeding against a director of a company for negligence or breach of trust it appears to a court that the

director is or may be liable in respect of the negligence or breach of trust, but has acted honestly and reasonably, and ought fairly to be excused for the negligence or breach of trust, the court may relieve him, either wholly or partly, from his liability on such terms as the court may think proper.

Contributions under 53 & 54 Vict. c. 64.

33. A person liable to make any payment under the provisions of the Directors' Liability Act, 1890, shall not be entitled to recover contribution from another person under section five of that Act if the person liable to make the payment was, and such other person was not, guilty of fraudulent misrepresentation.

Qualification of director.

34. The following provision shall be substituted for subsection (3) of section three of the Companies Act, 1900 :—

"(3) If after the expiration of the said period or shorter time any unqualified person acts as a director of the company he shall be liable on conviction to a fine not exceeding five pounds for every day between the expiration of the said period or shorter time and the last day on which it is proved that he acted as a director."

Requirements as to Companies established outside the United Kingdom.

Requirements as to companies established outside the United Kingdom.

35.—(1) Every company incorporated outside the United Kingdom which at the commencement of this Act has a place of business in the United Kingdom, and every such company which after the commencement of this Act establishes such a place of business within the United Kingdom, shall within three months from the commencement of this Act or within one month from the establishment of such place of business, as the case may be, file with the registrar—

(*a*) a certified copy of the charter, statutes, or memorandum and articles of association, of the company, or other instrument constituting or defining the constitution of the company, and, if the instrument is not written in the English language, a certified translation thereof;

(*b*) a list of the directors of the company;

(*c*) the names and addresses of some one or more persons resident in the United Kingdom authorised to accept on behalf of the company service of process and any notices required to be served on the company;

and, in the event of any alteration being made in any such instrument or in the directors or in the names or addresses of any such persons as aforesaid, the company shall file with the registrar a notice of the alteration within such time as may be prescribed.

(2) Any process or notice required to be served on the company shall be sufficiently served if addressed to any person whose name has been so filed as aforesaid, and left at or sent by post to the address which has been so filed.

(3) Every company to which this section applies shall in every year file with the registrar such a statement of its affairs as would, if it were a company incorporated in the United Kingdom and having a capital divided into shares, be required under this Act to be included in the annual summary.

(4) Every company to which this section applies, and which uses the word "Limited" as part of its name, shall—

(*a*) in every prospectus inviting subscriptions for its shares or debentures in the United Kingdom state the country in which the company is incorporated; and

(*b*) conspicuously exhibit on every place where it carries on business in the United Kingdom the name of the company and the country in which the company is incorporated; and

(*c*) have the name of the company and of the country in which the company is incorporated mentioned in legible characters in all bill-heads and letter paper, and in all notices, advertisements, and other official publications of the company.

(5) If any company to which this section applies fails to comply with any of the requirements of this section the company, and every officer or agent of the company, shall on conviction be liable to a fine not exceeding fifty pounds, or, in the case of a continuing offence, five pounds for every day during which the failure continues.

(6) For the purposes of this section the expression "certified" means certified in the prescribed manner to be a true copy or a correct translation, and a share transfer or share registration office shall be deemed to be a place of business within the meaning of this section.

(7) There shall be paid to the registrar for registering any document required by this section to be filed with him a fee of five shillings or such smaller fee as may be prescribed.

MISCELLANEOUS.

Validity of debentures to bearer in Scotland.

36. Notwithstanding anything contained in the statute of the Scots Parliament of 1696, chapter twenty-five, debentures to bearer issued in Scotland are declared to be valid and binding according to their terms.

Definition of private company.

37.—(1) For the purposes of this Act the expression "private company" means a company which by its articles—

(*a*) restricts the right to transfer its shares; and

(*b*) limits the number of its members (exclusive of persons who are in the employment of the company) to fifty; and

(*c*) prohibits any invitation to the public to subscribe for any shares or debentures of the company.

(2) A private company may, subject to anything contained in the memorandum or articles of association of the company, by passing a special resolution and by filing with the registrar

such a statement in lieu of prospectus as the company, if a public company, would under the provisions of this Act have had to file before allotting any of its shares or debentures, together with such a statutory declaration as the company, if a public company, would under the provisions of section six of the Companies Act, 1900, have had to file before commencing business, turn itself into a public company.

(3) Where two or more persons hold one or more shares in a company jointly, they shall, for the purposes of this section, be treated as a single member.

(4) Wherever in the Companies Acts a minimum of seven members is required only two members shall be required in the case of a private company.

Application of 33 & 34 Vict. c. 104. to companies not being wound up.

38. The Joint Stock Companies Arrangement Act, 1870, shall apply to a company which is not in the course of being wound up, in like manner as it applies to a company which is in the course of being wound up, as if in that Act references to the court having jurisdiction to wind up the company were substituted for references to the court, and references to the liquidator were omitted therefrom, and references to the company were substituted for references to contributories of the company.

Re-organisation of capital.

39.—(1) A company may by special resolution confirmed by an order of the court modify the conditions contained in its memorandum of association so as to re-organise its capital, whether by the consolidation of shares of different classes, or by the division of its shares into shares of different classes: Provided always that no preference or special privilege attached to or belonging to any class of shares shall be interfered with, except by a resolution passed by a majority of shareholders of that class representing three-fourths of the capital of that class, and confirmed in the same manner as a special resolution of the company is required to be confirmed, and every resolution so passed shall bind all shareholders of such class.

(2) Where an order is made under this section an office copy thereof shall be filed with the registrar within seven days after the making of the order, and the resolution shall not take effect until such a copy has been so filed.

Exemption of life assurance companies from 25 & 26 Vict. c. 89. s. 44. 33 & 34 Vict. c. 61.

40. Section forty-four of the Companies Act, 1862, shall not apply to any life assurance company nor any other assurance company to which the provisions of the Life Assurance Companies Acts, 1870 to 1872, as to the annual statements to be made by such companies apply, with or without modification, if the company complies with those provisions.

Filing of accounts of receivers and managers.

41. Every receiver or manager of the property of a company who has been appointed under the powers contained in any instrument, and who has taken possession, shall, on ceasing to act as such, and also once in every half year while he remains in possession, file with the registrar an abstract in the prescribed

form of his receipts and payments during the period to which the abstract relates, and shall also on ceasing to act as such receiver or manager file with the registrar notice to that effect, which notice shall be entered by the registrar on the register of mortgages and charges, and every such receiver or manager who makes default in complying with the provisions of this section within the prescribed time shall be liable to a fine not exceeding fifty pounds.

Revocation of licences under 30 & 31 Vict. c. 131. s. 23.

42. A licence granted by the Board of Trade under section twenty-three of the Companies Act, 1867 (which relates to associations formed for purposes not of gain), may at any time be revoked by the Board of Trade, and upon revocation the registrar shall enter the word "Limited" at the end of the name of the company upon the register, and the company shall cease to enjoy the exemptions and privileges granted by that section. Before any such licence is revoked under this section the Board of Trade shall give notice in writing of their intention to the company, and shall afford the company an opportunity of being heard in opposition to such revocation.

Interpretation of 46 & 47 Vict. c. 30.

43. For removing doubts it is hereby declared that the Commonwealth of Australia is a colony within the meaning of the Companies (Colonial Registers) Act, 1883.

Construction of s. 56 of 25 & 26 Vict. c. 89.

44. Section fifty-six, subsection (2), of the Companies Act, 1862, shall be read and construed as if the words therein "one-fifth part" had been "one-tenth part."

Extraordinary resolutions.

45. An extraordinary resolution for the purposes of the Companies Act, 1862, and this Act, means a resolution which is passed in such manner as would, if it had been confirmed by a subsequent meeting, have constituted a special resolution, and section fifty-three of the Companies Act, 1862, shall apply in the case of an extraordinary resolution in like manner as that section applies in the case of a special resolution, with the substitution of a reference to the date of the passing of the extraordinary resolution for the reference to the date of the confirmation of the special resolution.

Signature of documents.

46. Any writing or licence which under the Companies Acts, 1862 to 1900, is required to be under the hand of one of the principal secretaries or assistant secretaries of the Board of Trade may be under the hand of any person authorised in that behalf by the President of the Board of Trade.

Annual report by Board of Trade.

47. The Board of Trade shall cause a general annual report of matters within the Companies Acts, 1862 to 1900, and this Act to be prepared and laid before both Houses of Parliament.

Penalty for improper use of word "Limited."

48. If any person or persons trade or carry on business under any name or title of which "Limited" is the last word, such person or persons shall, unless duly incorporated with limited liability, be liable to a penalty not exceeding five pounds for every day upon which such name or title has been used.

49. All offences under the Companies Acts made punishable by any penalty may be prosecuted under the Summary Jurisdiction Acts. Prosecution of offences under Companies Acts.

50. The amendments specified in the Third Schedule to this Act, which relate to minor details, shall be made in the Companies Acts. Miscellaneous amendments of Companies Acts.

51. The enactments mentioned in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule. Repeal.

52.—(1) This Act may be cited as the Companies Act, 1907, and the Companies Acts, 1862 to 1900, and this Act may be cited together as the Companies Acts, 1862 to 1907, and are in this Act referred to as the Companies Acts, and this Act shall for all purposes (including its application to Scotland) have effect as part of the Companies Act, 1900. Short title construction and commencement.

(2) In this Act the expression "the court" when used in relation to a company shall, unless the context otherwise requires, mean the court having jurisdiction under the Companies Acts, 1862 to 1900, to wind up the company.

(3) The provisions of this Act relating to perpetual debentures and the power of a company to re-issue redeemed debentures in certain cases shall come into operation on the passing of this Act, and the other provisions of this Act shall come into operation on the first day of July one thousand nine hundred and eight.

SCHEDULES.

FIRST SCHEDULE. Section 1

THE COMPANIES ACTS, 1862 TO 19 .

STATEMENT IN LIEU OF PROSPECTUS

filed by

LIMITED

pursuant to section of the Companies Act, 1907.

Presented for filing by .

THE COMPANIES ACTS, 1862 TO 19 .

LIMITED.

STATEMENT IN LIEU OF PROSPECTUS.

The nominal capital of the company -	£
Divided into - - - -	Shares of £ each. " " " " " "

Names, descriptions, and addresses of directors or proposed directors.	
Minimum subscription (if any) fixed by the memorandum or articles of association on which the company may proceed to allotment.	
Number and amount of shares and debentures agreed to be issued as fully or partly paid-up otherwise than in cash. The consideration for the intended issue of such shares and debentures.	1 shares of £ fully paid. 2. shares upon which £ per share credited as paid. 3. debentures £ 4. Consideration.
Names and addresses of (*a*) vendors of property purchased or acquired, or proposed to be (*b*) purchased or acquired by the company. Amount (in cash, shares, or debentures) payable to each separate vendor.	
Amount (if any) paid or payable (in cash or shares or debentures) for any such property, specifying amount (if any) paid or payable for goodwill.	Total purchase price £ Cash - - - £ Shares - - £ Debentures - £ Goodwill - - £
Amount (if any) paid or payable as commission for subscribing or agreeing to subscribe or procuring or agreeing to procure subscriptions for any shares or debentures in the company, or Rate of such commission - - -	Amount paid. „ payable. Rate per cent.
Estimated amount of preliminary expenses.	£
Amount paid or intended to be paid to any promoter. Consideration for such payment.	Name of promoter. Amount £ Consideration :—
Dates of, and parties to, every material contract (other than contracts entered into in the ordinary course of the business intended to be carried on by the company or entered into more than two years before the filing of this statement).	
Time and place at which such contracts or copies thereof may be inspected.	
Names and addresses of the auditors of the company (if any).	

(*a*) For definition of vendor, *see* Section 10 (2) of the Companies Act, 1900, as amended by this Act.
(*b*) *See* Section 10 (3) of the Companies Act, 1900.

Full particulars of the nature and extent of the interest of every director in the promotion of or in the property proposed to be acquired by the company, or, where the interest of such a director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or shares, or otherwise, by any person either to induce him to become, or to qualify him as, a director, or otherwise for services rendered by him or by the firm in connection with the promotion or formation of the company.	
Whether the articles contain any provisions precluding holders of shares or debentures receiving and inspecting balance sheets or reports of the auditors or other reports.	Nature of the provisions.

We *A.B.*, &c. secretary of the company, and *C.B.*, (A Director [or Solicitor]) of the company hereby solemnly and sincerely declare that the statements above contained are true to the best of our knowledge, information, and belief, and we make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

SECOND SCHEDULE.

Section 1.

Modifications of Sections 2, 6, and 11.

References to a verified statement in lieu of prospectus and the filing thereof shall be substituted for references to a prospectus and the publication of a prospectus.

In section six the reference to shares offered for public subscription shall be construed as a reference to shares payable in cash.

There shall be added to subsection (1) of section six the following paragraph :—

"(*d*) There has been filed with the registrar a statement in lieu of prospectus."

The registrar shall not give such a certificate as is mentioned in subsection (2) of section six unless a statement in lieu of prospectus has been filed with him.

THIRD SCHEDULE.

Section 50.

Miscellaneous Amendments of Companies Acts.

Enactment to be amended.	Nature of Amendment.
Companies Act, 1862 (25 & 26 Vict. c. 89), s. 28.	After the word "stock" there shall be inserted the words "or re-converted stock into shares." After the word "conversion" there shall be inserted the words "or re-conversion." After the word "converted" there shall be inserted the words "or the stock re-converted."

Enactment to be amended.	Nature of Amendment.
Companies Act, 1862 (25 & 26 Vict. c. 89), s. 32.	After the words "herein-before mentioned" there shall be inserted the words "or any part thereof." After the word "sixpence" there shall be inserted the words "or such less sum as the company may prescribe." After the words "hundred words" there shall be inserted the words "or fractional part thereof."
s. 143 - - -	At the beginning there shall be inserted the words "Within one week after such meeting." After the words "the same was held" there shall be inserted the words "The registrar on receiving "such return shall forthwith register it."
Companies Act, 1867 (30 & 31 Vict. c. 131), s. 16.	After the word "paid" there shall be inserted the words "or (as the case may be) the reduced "amount, if any, which is to be deemed to have "been paid."
Companies Act, 1879 (42 & 43 Vict. c. 76), s. 5.	For the words "in cases where no such increase of "nominal capital may be resolved upon" there shall be substituted the words "either in con- "junction with or without any such increase of "nominal capital."
s. 7 - - - -	The whole section except the proviso to subsection (5) to be repealed.

Section 51.

FOURTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
25 & 26 Vict. c. 89.	The Companies Act, 1862.	Section forty-nine. In section fifty-one, the words "by at least five members." Section sixty-five. Section one hundred and twenty-nine, from "For the purposes of this Act" to the end of the section.
53 & 54 Vict. c. 63.	The Companies (Winding-up) Act, 1890.	Subsection (2) of section twenty-nine.
63 & 64 Vict. c. 48.	The Companies Act, 1900.	In subsection (3) of section two, the words "or to a company which "does not issue any invitation to "the public to subscribe for its "shares." In section three, subsection (3).

Session and Chapter.	Short Title.	Extent of Repeal.
63 & 64 Vict. c. 48—*cont.*	The Companies Act, 1900.	In section six, subsection (4) and subsection (7) except so far as relates to companies registered before the commencement of this Act. In section ten, subsection (1) and proviso (*b*) to subsection (4). In subsection (2) of section twelve, paragraph (*c*). Section fourteen. Section twenty-three.

CHAPTER 51.

An Act to regulate and amend the Laws and practice relating to the civil procedure in Sheriff Courts in Scotland, and for other purposes. [28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited for all purposes as the Sheriff Courts (Scotland) Act, 1907.

Commencement.

2. Unless otherwise specially enacted this Act shall come into operation on the first day of January one thousand nine hundred and eight.

Interpretation.

3. In construing this Act (unless where the context is repugnant to such construction)—

(*a*) "Sheriff" includes sheriff-substitute;

(*b*) "Tenant" includes sub-tenant;

(*c*) "Lease" includes sub-lease;

(*d*) "Action" includes every civil proceeding competent in the ordinary sheriff court;

(*e*) "Person" includes company, corporation, or association and firm of any description nominate or descriptive, or any Board corporate or unincorporate;

(*f*) "Sheriff clerk" includes sheriff-clerk depute;

(*g*) "Agent" means a law-agent enrolled in terms of the Law Agents (Scotland) Act, 1873; 36 & 37 Vict. c. 63.

(*h*) "Final judgment" means an interlocutor which, by itself, or taken along with previous interlocutors, disposes of the subject-matter of the cause, notwithstanding that judgment may not have been pronounced on every question raised, and that expenses found due may not have been modified, taxed, or decerned for;

(*i*) "Summary cause" includes—

(1) Actions (except applications under the Workmen's Compensation Act and actions with conclusions ad factum praestandum) for payment of money exceeding twenty pounds, and not exceeding fifty pounds, exclusive of interest and expenses;

(2) Actions of whatever kind (except applications under the Workmen's Compensation Act and actions under the Small Debt Acts) notwithstanding that the value may exceed fifty pounds, in which the parties consent to the action being treated as a summary cause;

(*j*) "Small Debt Acts" means and includes the Small Debt (Scotland) Acts, 1837 to 1889, and Acts explaining or amending the same;

(*k*) "Initial writ" means the statement of claim, petition, note of appeal, or other document by which the action is initiated;

(*l*) "Procurator-Fiscal" means procurator-fiscal in the sheriff-court;

6 Edw. 7. c. 58. (*m*) "Workmen's Compensation Act" means the Workmen's Compensation Act, 1906, and any Acts explaining or amending the same;

(*n*) "Pursuer" means and includes any person making a claim or demand, or seeking any warrant or order competent in the sheriff court;

(*o*) "Defender" means and includes any person who is required to be called in any action;

(*p*) "Summary application" means and includes all applications of a summary nature brought under the common law jurisdiction of the sheriff, and all applications, whether by appeal or otherwise, brought under any Act of Parliament which provides, or, according to any practice in the sheriff court, which allows that the same shall be disposed of in a summary manner, but which does not more particularly define in what form the same shall be heard, tried, and determined.

JURISDICTION.

Jurisdiction

4. The jurisdiction of the sheriffs, within their respective sheriffdoms shall extend to and include all navigable rivers, ports, harbours, creeks, shores, and anchoring grounds in or adjoining such sheriffdoms. And the powers and jurisdictions formerly competent to the High Court of Admiralty in Scotland in all maritime causes and proceedings, civil and criminal, including such as may apply to persons furth of Scotland, shall be competent to the sheriffs, provided the defender shall upon any legal ground of jurisdiction be amenable to the jurisdiction

of the sheriff before whom such cause or proceeding may be raised, and provided also that it shall not be competent to the sheriff to try any crime committed on the seas which it would not be competent for him to try if the crime had been committed on land: Provided always that where sheriffdoms are separated by a river, firth, or estuary, the sheriffs on either side shall have concurrent jurisdictions over the intervening space occupied by water.

Extension of jurisdiction.

5. Nothing herein contained shall derogate from any jurisdiction, powers, or authority presently possessed or in use to be exercised by the sheriffs of Scotland, and such jurisdiction shall extend to and include—

(1) Actions of declarator (except declarators of marriage or nullity of marriage, and actions the direct or main object of which is to determine the personal status of individuals):

(2) Actions of aliment, or of separation and aliment, and for regulating the custody of children:

(3) Actions of division of commonty and of division or division and sale of common property, in which cases the Act of 1695 concerning the division of commonties shall be read and construed as if it conferred jurisdiction upon the sheriff court in the same manner as upon the Court of Session:

(4) Actions relating to questions of heritable right or title (except actions of adjudication save in so far as now competent and actions of reduction) including all actions of declarator of irritancy and removing, whether at the instance of a superior against a vassal or of a landlord against a tenant:

(5) Suspension of charges or threatened charges upon the decrees of court granted by the sheriff or upon decrees of registration proceeding upon bonds, bills, contracts or other obligations registered in the books of the sheriff court, the books of council and session, or any others competent where the debt exclusive of interest and expenses does not exceed fifty pounds:

Provided that actions relating to questions of heritable right or title, including irritancy and removing, or to division of commonties or division or divisions and sale of common property shall, if raised in the sheriff court, be raised in the sheriff court of the jurisdiction and district where the property forming the subject in dispute is situated, and all parties against whom any such action may be brought shall in such action be subject to that jurisdiction: Provided also that it shall be competent for either party at the closing of the record or within six days thereafter to require the cause to be remitted to the Court of Session in the case of actions—

(*a*) Relating to questions of heritable right and title where the value of the subject in dispute exceeds fifty pounds by the year or one thousand pounds in value:

(*b*) Relating to the right of succession to moveables where the value of the subject in dispute exceeds one thousand pounds:

(*c*) Relating to division of commonty or division or division and sale of common property where the value of the subject in dispute exceeds fifty pounds by the year or one thousand pounds value:

Provided also that on cause shown or ex proprio motu the sheriff may at any stage remit to the Court of Session any action of separation and aliment or relating to the custody of children.

Action competent in sheriff court.

6. Any action competent in the sheriff court may be brought within the jurisdiction of the sheriff—

(*a*) Where the defender (or when there are several defenders where one of them) resides within the jurisdiction, or having resided there for at least forty days immediately prior to the raising of the action has ceased to reside there for less than forty days and whose present residence in Scotland is unknown:

(*b*) Where the defender carries on business, and has a place of business within the sheriffdom, and is cited either personally or at such place of business:

(*c*) Where the defender is a person not otherwise subject to the jurisdiction of the courts of Scotland, and a ship or vessel of which he is owner or part owner or master, or goods, debts, money, or other moveable property belonging to him, have been arrested within the jurisdiction:

(*d*) Where the defender is the owner or part owner or tenant or joint tenant, whether individually or as a trustee, of heritable property within the jurisdiction, and the action relates to such property or to his interest therein:

(*e*) Where the action is for interdict against an alleged wrong being committed or threatened to be committed within the jurisdiction:

(*f*) Where the action relates to a contract the place of execution or performance of which is within the jurisdiction, and the defender is personally cited there:

(*g*) Where in an action of furthcoming or multiplepoinding the fund or subject in medio is situated within the jurisdiction; or the arrestee or holder of the fund is subject to the jurisdiction of the court:

(*h*) Where the party sued is the pursuer in any action pending within the jurisdiction against the party suing:

(*i*) Where the action arises out of the delict of the defender within the jurisdiction, and he is personally cited there:

(*j*) Where the defender prorogates the jurisdiction of the court.

Privative jurisdiction in causes under fifty pounds value.

7. Subject to the provisions of this Act and of the Small Debt Acts, all causes not exceeding fifty pounds in value exclusive of interest and expenses competent in the sheriff court shall be brought and followed forth in the sheriff court only, and shall not be subject to review by the Court of Session: Provided that in actions ad factum præstandum, where the value of the cause is not disclosed, the same shall be deemed to exceed fifty pounds, unless in the course of the cause the sheriff shall determine, as after provided, that the value thereof is less than fifty pounds: Provided also that nothing herein contained shall affect any right of appeal competent under any Act of Parliament in force for the time being.

Summary cause procedure and appeal.

8. In a summary cause the sheriff shall order such procedure as he thinks requisite, and (without a record of the evidence, unless on the motion of either party the sheriff shall order that the evidence be recorded) shall dispose of the cause without delay by interlocutor containing findings in fact and in law. Where the evidence has been recorded, the judgment of the sheriff-substitute upon fact and law may in ordinary form be brought under review of the sheriff, but where the evidence has not been recorded, the findings in law only shall be subject to review. In a summary cause, if the sheriff, on appeal, is of opinion that important questions of law are involved, he shall state the same in his interlocutor, and he may then or within seven days from the date of his interlocutor grant leave to appeal to a division of the Court of Session on such questions of law, but otherwise the judgment of the sheriff shall be final.

Value of cause. How determined.

9. The sheriff before whom the cause depends shall (in such way as he may think expedient) inquire into and determine the value thereof for the purposes of this Act, and his determination shall be final as regards the competency of the action on the ground of value but not otherwise.

Privilege not to exempt from jurisdiction.

10. No person shall be exempt from the jurisdiction of the sheriff court on account of privilege by reason of being a member of the College of Justice.

Sheriffs.

Appointment of sheriffs and salaried sheriffs-substitute.

11. The right of appointing to the salaried offices of sheriff and salaried sheriff-substitute shall be vested in His Majesty, and shall be exercised on the recommendation of the Secretary for Scotland.

Qualification for sheriff and salaried sheriff-substitute.

36 & 37 Vict. c. 63.

12. Every person appointed to the office of sheriff shall be an advocate of five years' standing at least or, if not an advocate, a sheriff-substitute of five years' standing at least; and every person appointed to the office of salaried sheriff-substitute shall be an advocate or a law agent within the meaning of the Law Agents (Scotland) Act, 1873: Provided always that such advocate or law agent shall be of not less than five years' standing in his profession.

Removal from office of sheriff and salaried sheriff-substitute.

13. It shall be lawful for the Secretary for Scotland, upon a report prepared at his instance by the Lord President of the Court of Session and the Lord Justice Clerk for the time being, declaring that a sheriff in Scotland is by reason of inability, neglect of duty, or misbehaviour unfit for his office, to issue an order for his removal from office: Provided always that such order shall lie before both Houses of Parliament for a period of four consecutive weeks while Parliament is sitting, and, if either House of Parliament within that period resolve that such order ought not to take effect the same shall be of no effect, but otherwise shall come into operation at the expiration of the said period. In this paragraph "sheriff" does not include "sheriff-substitute."

A salaried sheriff-substitute shall be removeable from his office by the Secretary for Scotland for inability or misbehaviour upon the report of the Lord President of the Court of Session and the Lord Justice Clerk for the time being.

Salaries of sheriffs and sheriffs-substitute.

14. It shall be lawful to grant to any sheriff or sheriff-substitute such salary as to the Treasury may seem meet, and every such salary shall be paid by four equal quarterly instalments, and shall be charged upon and be payable out of the Consolidated Fund.

Leave of absence to sheriff.

15. It shall be lawful for the Secretary for Scotland, on an application made by or on behalf of any sheriff for leave of absence on account of temporary illness or other reasonable cause, to grant such leave of absence for such period as he shall deem proper, and to appoint some other person who shall be a sheriff of some other sheriffdom, or an advocate of not less than five years' standing, to act as interim sheriff in the place and during the absence of such sheriff, and on such interim appointment being made to fix what proportion of the salary of the sheriff shall be paid to the interim sheriff, and to certify the same in writing, and such certificate when presented in Exchequer to the King's and Lord Treasurer's Remembrancer shall be sufficient warrant for him for payment to such interim sheriff of the proportion of the sheriff's salary therein mentioned. A sheriff appointed to be interim sheriff under this section shall not by accepting such interim appointment vacate his office as sheriff. An interim sheriff appointed under this section shall have and exercise all the powers and privileges and perform all the duties of the sheriff, and his acts, orders, and judgments shall have the same force and effect as if done, made, or pronounced by the sheriff. In this section "sheriff" does not include sheriff-substitute.

Leave of absence to salaried sheriff-substitute.

16. In the event of any salaried sheriff-substitute, by reason of ill-health, being temporarily unable to discharge the duties of his office, it shall be lawful for the Secretary for Scotland, on application being made to him by or on behalf of such sheriff-substitute, to appoint a person qualified to fill the office of sheriff-substitute, to act ad interim in the place and during the

absence of such sheriff-substitute, and on such interim appointment being made the Treasury may, on the recommendation of the Secretary for Scotland, allow such interim sheriff-substitute such remuneration as they think fit out of monies to be provided by Parliament.

Honorary sheriff-substitute.

17. The sheriff may by writing under his hand appoint such persons as he thinks proper to hold the office of honorary sheriff-substitute within his sheriffdom during his pleasure, and for whom he shall be answerable. An honorary sheriff-substitute, during the subsistence of his commission, shall be entitled to exercise the powers and duties appertaining to the office of sheriff-substitute. An honorary sheriff-substitute shall hold office, notwithstanding the death, resignation, or removal of the sheriff, until his commission shall be recalled by a succeeding sheriff. In this section "sheriff" does not include sheriff-substitute.

Courts to be held by sheriffs in their sheriffdoms.

18. Every sheriff shall, unless prevented by indisposition or other unavoidable cause, hold annually in his sheriffdom courts for the discharge of the judicial business of the sheriffdom; and such courts shall continue until the causes ready for trial or hearing when such courts commence shall be disposed of; and each sheriff shall give due notice of the times and places of such courts; and, unless otherwise prescribed, each sheriff shall, once in the year, go on the small debt circuit, in use to be held by the sheriff-substitute, and shall on such occasions, in addition to holding the small debt court, despatch as much of the ordinary business as may be ready for adjudication, or as time may permit; and each sheriff shall annually, within ten days after the twelfth day of November, make a return to the Secretary for Scotland of the number of courts and sittings held by him, and of the periods of holding each such court, in the immediately preceding year, stating the cause of absence in case the courts herein-before directed shall not have been held by him in terms of this Act, provided that the above provisions shall not extend to the sheriffs of the Lothians and Peebles and of Lanarkshire: Provided always that it shall be lawful for the Secretary for Scotland to prescribe from time to time the number of courts to be held by the several sheriffs and the times and places for holding such courts, and also from time to time to prescribe the duties of the office of sheriff which such sheriffs respectively are required to perform personally. In this section "sheriff" does not include sheriff-substitute.

Secretary for Scotland to regulate number, duties, and residence of salaried sheriffs-substitute.

19. It shall be lawful for the Secretary for Scotland from time to time to prescribe the number of salaried sheriffs-substitute of the several sheriffdoms, and the places at which such salaried sheriffs-substitute respectively are required generally to reside and to attend for the performance of their duties, the number of courts to be held by such sheriffs-substitute, the times and places of holding such courts, and the duties to be

performed by such sheriffs-substitute; and it shall also be lawful for the Secretary for Scotland, if he shall think fit, to direct that the sheriff-substitute of one county shall perform the duties of sheriff-substitute in an adjacent county; and any such direction shall be equivalent in all respects to a commission to act in such adjacent county in favour of the sheriff-substitute so directed; and no salaried sheriff-substitute shall be absent from the sheriffdom for more than six weeks in any year nor for more than two weeks at any one time nor so as to interfere with the regular sittings of his court, without the special consent in writing of the sheriff, who shall be bound, in the event of his giving such consent, either to attend personally during the absence of such substitute, or to appoint another person qualified as in section twelve hereof to act as substitute in his stead.

Annuities to sheriffs and salaried sheriffs-substitute.

20. It shall be lawful for the Treasury, upon the recommendation of the Secretary for Scotland, to grant an annuity payable in like manner as the salaries to any person who has held, now holds, or may hereafter hold the office of sheriff or salaried sheriff-substitute whose period of service (notwithstanding that such service may not have been continuous and may have been in different sheriffdoms and may have been partly as sheriff-substitute and partly as sheriff) has been not less than ten years. Provided always that such annuity shall not exceed one-third of the salary payable to such person in case the period of his service shall have been not less than ten years, and shall not exceed two-thirds of such salary in case the period of service shall have been not less than fifteen years, and shall not exceed three-fourths of such salary in case the period of service shall have been not less than twenty years or upwards: Provided also that (except as herein-after provided) no such annuity shall be granted to any sheriff or sheriff-substitute unless the periods of his actual service shall, when taken together, extend to one or other of the periods of service before mentioned, and that in computing the amount of said annuity the emoluments drawn by him on an average of the five preceding years shall be held to constitute his salary: Provided also that no such annuity shall be granted unless such sheriff or sheriff-substitute shall have duly fulfilled the duties of his office during one of the periods before mentioned, and is from age or permanent infirmity disabled from the due exercise of his office, which facts shall be certified by the Lord President, the Lord Justice Clerk, and the Lord Advocate for the time being as having been established to their satisfaction: Provided also that if a sheriff is removed under section thirteen hereof before he has completed ten years' service on the ground that he is by reason of inability unfit for his office, it shall be lawful for the Treasury to grant him an annuity of such amount and for such period as they shall consider just in all the circumstances, but in no case exceeding three-tenths of the salary payable to such sheriff, and any such annuity shall be charged upon and payable out of the same fund and in the same manner as annuities to sheriffs are paid

and charged under the first section of the Public Revenue and Consolidated Fund Charges Act, 1854. In the last proviso of this section "sheriff" shall not include sheriff-substitute. 17 & 18 Vict. c. 94.

21. It shall not be lawful for a sheriff to advise, plead, or otherwise act as an advocate before any of the King's Courts at Edinburgh, or at the Circuit Court, in any cause civil or criminal arising within or coming from his sheriffdom; and no sheriff or salaried sheriff-substitute shall be steward, chamberlain, factor, agent, or commissioner to any subject whatsoever, or shall exercise, or act in the employment, service, or office of such steward, chamberlain, factor, agent, or commissioner; and no sheriff or salaried sheriff-substitute shall be capable of being elected or of sitting or voting as a member of the House of Commons, nor shall he be entitled to vote at any election for any member of Parliament held within his sheriffdom; nor shall he act directly or indirectly as an agent for any candidate in any matter connected with, or preparatory to, any election for the county or burgh respectively in which he shall be sheriff or salaried sheriff-substitute; and it shall not be lawful for a salaried sheriff-substitute to engage in legal, banking, or other private practice or business, or to act directly or indirectly as a procurator before any court, or to be in partnership with any person so engaged or acting, nor shall such sheriff-substitute be appointed to any office, except such office as shall be by statute attached to the office of sheriff-substitute. Disqualifications and disabilities of sheriffs and salaried sheriffs-substitute.

Any sheriff or salaried sheriff-substitute acting contrary to the provisions of this section shall be guilty of misbehaviour within the meaning of section thirteen of this Act.

Procurators-Fiscal.

22. From and after the passing of this Act the right of appointing to the office of procurator-fiscal shall be vested in the Lord Advocate. Appointment of procurator-fiscal.

23. No person holding the office of procurator-fiscal at the passing of this Act, and receiving salary on that account, and no person who may be hereafter appointed to the office of procurator-fiscal, shall be removable from office, except by the Secretary for Scotland for inability or misbehaviour, upon a report by the Lord President of the Court of Session and the Lord Justice Clerk for the time being. Removal of procurator-fiscal.

24. A procurator-fiscal may, with the consent of the Lord Advocate, grant a deputation to one or more fit persons, for whose actings he shall be responsible, to sign writs, to appear in court, and to conduct prosecutions and inquiries in his name and on his behalf. In the event of a vacancy in the office of procurator-fiscal any depute or deputes so appointed shall have and discharge all the powers, privileges, and duties of a procurator-fiscal until such vacancy is filled up. Procurator-fiscal may appoint depute.

SESSIONS.

Sessions.

25. In each sheriff court there shall be held two sessions in the year, a winter and a summer session. The winter session shall extend from the first ordinary court day in October to the last ordinary court day in March. The sittings of the court may, at Christmas time, be suspended for a period not exceeding fifteen days. The summer session shall extend from the first ordinary court day in May to the last ordinary court day in July.

Vacation courts.

26. The sheriff shall, before the termination of each winter session, appoint at least one court day during the spring vacation for the despatch of civil business, and before the termination of each summer session he shall in like manner appoint at least two court days during the autumn vacation for the same purpose. Any cause may proceed during vacation as during session, and in all causes interlocutors may competently be pronounced during vacation.

APPEALS.

Appeal to sheriff.

27. Subject to the provisions of this Act an appeal to the sheriff shall be competent against all final judgments of the sheriff-substitute and also against interlocutors—

(A) Granting or refusing interdict, interim or final;

(B) Granting interim decree for payment of money other than a decree for expenses, or making an order ad factum præstandum;

(C) Sisting an action;

(D) Allowing or refusing or limiting the mode of proof not being an interlocutor fixing a diet for jury trial;

(E) Against which the sheriff-substitute either ex proprio motu or on the motion of any party grants leave to appeal;

Provided always that notwithstanding the death, resignation, or removal of a sheriff appeals may be taken from the judgment of the sheriff-substitute, which appeals shall be heard by the succeeding sheriff when he shall enter upon office.

Appeal to Court of Session.

28. Subject to the provisions of this Act, it shall be competent to appeal to the Court of Session against a judgment of a sheriff-substitute or of a sheriff, but that only if the value of the cause exceeds fifty pounds; and the interlocutor appealed against is a final judgment; or is an interlocutor—

(A) Granting interim decree for payment of money other than a decree for expenses;

(B) Sisting the action;

(C) Against which the sheriff or the sheriff-substitute, either ex proprio motu or on the motion of any party, grants leave to appeal: Provided that any exclusion or allowance of appeal competent under any Act of Parliament in force for the time being shall not be affected by this or the preceding section.

Effect of appeal.

29. An appeal shall be effectual to submit to review the whole of the interlocutors pronounced in the cause, and shall be available to and may be insisted in by all other parties in the cause notwithstanding they may not have noted separate appeals. An appeal shall not prevent immediate execution of a warrant of sequestration for rent, or of warrants to take inventories, or place effects in custody ad interim, or warrants for interim preservation, and an interim interdict, although appealed against, shall be binding till recalled.

Removal of Cause to Court of Session for Jury Trial.

Removal of cause for jury trial.

30. In cases originating in the sheriff court (other than claims by employees against employers in respect of injury caused by accident arising out of and in the course of their employment and concluding for damages under the Employers Liability Act, 1880, or alternatively at common law or under the Employers Liability Act, 1880), where the claim is in amount or value above fifty pounds, and an order has been pronounced allowing proof (other than an order for proof to lie in retentis or for recovery of documents) it shall, within six days thereafter, be competent to either of the parties, who may conceive that the cause ought to be tried by jury, to require the cause to be remitted to the Court of Session for that purpose where it shall be so tried: Provided, however, that the Court of Session shall, if it thinks the case unsuitable for jury trial, have power to remit the case back to the sheriff, or to remit it to a Lord Ordinary, or to send it for proof before a Judge of the Division before whom the cause depends.

43 & 44 Vict. c. 42.

Jury Trial in Sheriff Court.

Jury trial in sheriff court.

31. In any action raised in the sheriff court by an employee against his employer concluding for damages under the Employers Liability Act, 1880, or alternatively under that Act or at common law in respect of injury caused by accident arising out of and in the course of his employment, where the claim exceeds fifty pounds, either party may so soon as proof has been allowed, or within six days thereafter, require that the cause shall be tried before a jury, in which case the sheriff shall appoint the action to be tried before a jury of seven persons. The verdict of the jury shall be applied in an interlocutor by the sheriff, which shall be the final judgment in the cause, and may, subject to the provisions of this Act, be appealed to either division of the Court of Session but that only upon one or more of the following grounds—

(1) That the verdict has been erroneously applied by the sheriff;
(2) That the verdict is contrary to the evidence;
(3) That the sheriff had in the course of the trial unduly refused or admitted evidence or misdirected the jury;
(4) That an award of damages is inadequate or is excessive.

Upon such appeal the court may refuse the appeal or may find under head (1) that the verdict was erroneously applied, and give judgment accordingly, or under the other heads before mentioned may set aside the verdict and order a new trial, provided that if the judges are equally divided in opinion the verdict shall stand.

Sheriff to state questions for jury.

32. Where jury trial has been ordered the sheriff shall after hearing parties, if he shall think that necessary or desirable, issue an interlocutor setting forth the question or questions of fact to be at the trial proponed to the jury and fixing a time and place for the trial, being not sooner than fourteen days from the date of the interlocutor.

Remuneration of jurors.

33. Where jury trial has been ordered the party moving for it shall, on each day the trial proceeds, before the proceedings commence, deposit with the sheriff-clerk the sum of three pounds ten shillings, which deposit shall form part of the expenses of the cause; failing any such deposit being made, the sheriff may dismiss the cause. Out of said fund the sheriff-clerk shall pay to each juror a fee of ten shillings for each day on which he is empanelled. When a jury trial is not proceeded with, said deposit shall be returned to the depositor.

Removings.

Removings.

34. Where lands exceeding two acres in extent are held under a probative lease specifying a term of endurance, and whether such lease contains an obligation upon the tenant to remove without warning or not, such lease, or an extract thereof from the books of any court of record, shall have the same force and effect as an extract decree of removing obtained in an ordinary action at the instance of the lessor, or any one in his right, against the lessee or any party in possession, and such lease or extract shall, along with authority in writing signed by the lessor or any one in his right or by his factor or law agent, be sufficient warrant to any sheriff officer or messenger-at-arms of the sheriffdom within which such lands or heritages are situated to eject such party in possession, his family, subtenants, cottars, and dependants, with their goods, gear and effects, at the expiry of the term or terms of endurance of the lease: Provided that previous notice in writing to remove shall have been given—

(A) When the lease is for three years and upwards not less than one year and not more than two years before the termination of the lease; and

(B) In the case of leases from year to year (including lands occupied by tacit relocation) or for any other period less than three years, not less than six months before the termination of the lease (or where there is a separate ish as regards land and houses or otherwise before that ish which is first in date):

Provided that if such written notice as aforesaid shall not be given the lease shall be held to be renewed by tacit relocation for another year, and thereafter from year to year: Provided further that nothing contained in this section shall affect the right of the landlord to remove a tenant who has been sequestrated under the Bankruptcy (Scotland) Act, 1856, or against whom a decree of cessio has been pronounced under the Debtors (Scotland) Act, 1880, or who by failure to pay rent has incurred any irritancy of his lease or other liability to removal: Provided further that removal or ejectment in virtue of this section shall not be competent after six weeks from the date of the ish last in date: Provided further that nothing herein contained shall be construed to prevent proceedings under any lease in common form; and that the foregoing provisions as to notice shall not apply to any stipulations in a lease entitling the landlord to resume land for building, planting, feuing, or other purposes or to subjects let for any period less than a year. 19 & 20 Vict. c. 79. 43 & 44 Vict. c. 34.

Letter of removal.

35. Where any tenant in possession of any lands exceeding two acres in extent (whether with or without a written lease) shall, either at the date of entering upon the lease or at any other time, have granted a letter of removal, either holograph or attested by one witness, such letter of removal shall have the same force and effect as an extract decree of removing, and shall be a sufficient warrant for ejection to the like effect as is provided in regard to a lease or extract thereof, and shall be operative against the granter of such letter of removal or any party in his right within the same time and in the same manner after the like previous notice to remove: Provided always that where such letter is dated and signed within twelve months before the date of removal or before the first ish, if there be more than one ish, it shall not be necessary that any notice of any kind shall be given by either party to the other.

Notice to remove.

36. Where lands exceeding two acres in extent are occupied by a tenant without any written lease, and the tenant has given to the proprietor or his agent no letter of removal, the lease shall terminate on written notice being given to the tenant by or on behalf of the proprietor, or to the proprietor by or on behalf of the tenant not less than six months before the determination of the tenancy, and such notice shall entitle the proprietor, in the event of the tenant failing to remove, to apply for and obtain a summary warrant of ejection against the tenant and everyone deriving right from him.

Notice of termination of tenancy.

37. In all cases where houses, with or without land attached, not exceeding two acres in extent, lands not exceeding two acres in extent let without houses, mills, fishings, shootings, and all other heritable subjects (excepting land exceeding two acres in extent) are let for a year or more, notice of termination of tenancy shall be given in writing to the tenant by or on

behalf of the proprietor or to the proprietor by or on behalf of the tenant: Provided always that notice under this section shall not warrant summary ejection from the subjects let to a tenant, but such notice, whether given to or by or on behalf of the tenant, shall entitle the proprietor to apply to the sheriff for a warrant for summary ejection in common form against the tenant and every one deriving right from him: Provided further that the notice provided for by this section shall be given at least forty days before the fifteenth day of May when the termination of the tenancy is the term of Whitsunday, and at least forty days before the eleventh day of November when the termination of the tenancy is the term of Martinmas.

SUMMARY REMOVINGS.

Summary removing.

38. Where houses or other heritable subjects are let for a shorter period than a year, any person by law authorised may present to the sheriff a summary application for removing, and a decree pronounced in such summary cause shall have the full force and effect of a decree of removing and warrant of ejection. Where such a let is for a period not exceeding four months, notice of removal therefrom shall, in the absence of express stipulation, be given as many days before the ish as shall be equivalent to at least one-third of the full period of the duration of the let; and where the let exceeds four months, notice of removal shall, in the absence of express stipulation, be given at least forty days before the expiry of the said period.

PROCEDURE RULES.

Procedure rules.

39. Subject to the provisions of any Act of Parliament in force after the passing of this Act, the procedure in all civil causes shall be conform to the rules of procedure set forth in the First Schedule hereto annexed. Such rules shall be construed and have effect as part of this Act.

Court of Session to regulate fees, &c.

40. The Court of Session may from time to time, by Act of Sederunt, make such regulations, not inconsistent with the provisions of this Act, as may be necessary for carrying into effect the purposes thereof for regulating the practice of the sheriff courts (including diligence and procedure under the Small Debt Acts); and for regulating the fees of agents, officers, shorthand writers, and others, and, with the concurrence of the Treasury, for regulating the fees of court; and for altering, amending, or adding to the rules of procedure in the First Schedule hereto: Provided that at least two weeks before the same is signed the terms of the proposed Act of Sederunt shall be published in the Edinburgh Gazette and at least two other newspapers in Scotland: Provided also that every such Act of Sederunt shall, within one week from the date thereof, be transmitted by the Lord President of the Court of Session to the

Secretary for Scotland, in order that it may be laid before the Houses of Parliament; and, if either of the Houses of Parliament shall within thirty-six days after it has been laid before them resolve that the whole or any part of such Act of Sederunt ought not to continue in force, the whole or such part thereof as shall be included in such resolution shall from and after the date of the passing of such resolution cease to be binding.

Meetings of sheriffs.

41. For the purpose of preserving uniformity in the proceedings of sheriff courts, the sheriffs shall meet in Edinburgh once at least in each year, and may then, or at any other meeting, formulate for the consideration of the Court of Session any regulations which they propose should be enacted by Act of Sederunt, a printed draft of the same having been exhibited in each sheriff court for the space of fourteen days before the same is submitted to the court: Provided also that the necessary expenses of such meetings of sheriffs and of preparing and printing such propositions shall be allowed in the annual accounts in Exchequer of such one of the sheriffs as may from time to time be appointed by them to be their convener, in the like manner as other ordinary expenses of sheriffs are allowed. In this section "sheriff" does not include "sheriff-substitute."

Small Debt Acts.

Extension of small debt jurisdiction to 20*l*.

42. The provisions of the Small Debt Acts shall extend and apply to all causes competent thereunder where the value of the cause does not exceed twenty pounds, and wherever the words "eight pounds six shillings and eightpence" or the words "twelve pounds" occur in these Acts they shall be read and construed as if for these words there were substituted the words "twenty pounds."

Small debt sequestration for rent.

43. The provisions of the Small Debt Acts for sequestration for rent shall extend to all sequestrations applied for currente termino or in security.

Parties may appear by agents in small debt court.

52 & 53 Vict. c. 26.

44. Section eight of the Small Debt Amendment (Scotland) Act, 1889, is hereby repealed, and in lieu thereof it is enacted that in any cause brought under the Small Debt Acts any party may appear by or along with an agent, and the sheriff may allow and include in the expenses of the cause a fee to such agent.

Procedure rules applicable to small debt causes.

45. The provisions of section three (except subsections (*d*), (*h*), (*i*), (*k*), (*l*), (*m*), and (*p*), section four, subsection (2) of section five, so far as relating to claims for aliment, section six (except subsection (*e*)), section forty-nine and section fifty-one hereof, and the rules ten, eleven, twelve, thirteen, fourteen, fifteen, seventeen, nineteen, twenty-one, twenty-six, fifty, fifty-five, sixty, sixty-three, seventy, seventy-nine, eighty, one hundred and twenty-six, one hundred and twenty-seven, one hundred and twenty-eight, one hundred and twenty-nine, one hundred and

fifty-one, in the First Schedule hereto shall, so far as appropriate, apply to causes under the Small Debt Acts.

Sections 10 and 11 of the Debtors (Scotland) Act, 1838, to apply to small debt causes.
1 & 2 Vict. c. 114.

46. The provisions of sections ten and eleven of the Debtors (Scotland) Act, 1838, shall not apply to decrees of delivery under the Small Debt Amendment (Scotland) Act, 1889, but such decrees shall be enforceable by imprisonment under the warrant for execution contained in Schedule B of the Small Debt Amendment (Scotland) Act, 1889.

Second extract of small debt decree competent.

47. It shall be lawful to issue a second or further extract of any decree under the Small Debt Acts, in the form as nearly as may be of Schedule B or C of the Small Debt Amendment (Scotland) Act, 1889, which extract may be written upon a separate paper, and shall have the same force and effect in all respects as the first extract.

Small debt cause may be remitted to ordinary court roll.

48. If the sheriff is of opinion that the importance of the questions raised in any cause brought under the Small Debt Acts warrants that course, he may at any stage remit the cause to his ordinary court roll either on cause shown or ex proprio motu, in which case the cause shall proceed in all respects (including appeal) as if it had been originally raised in the ordinary court.

POSTAL CHARGE.

Postal charge.

49. Where a charge is necessary upon a decree for payment of money granted in the small debt court, and the place of execution of the charge is more than twelve miles distant from the seat of the court where such decree was granted, a charge may be given by post in the manner prescribed by the Citation Amendment (Scotland) Act, 1882.
45 & 46 Vict. c. 77.

SUMMARY APPLICATIONS.

Summary applications.

50. In summary applications (where a hearing is necessary) the sheriff shall appoint the application to be heard at a diet to be fixed by him, and at that or any subsequent diet (without record of evidence unless the sheriff shall order a record) shall summarily dispose of the matter and give his judgment in writing: Provided that wherever in any Act of Parliament an application is directed to be heard, tried, and determined summarily or in the manner provided by section fifty-two of the Sheriff Courts (Scotland) Act, 1876, such direction shall be read and construed as if it referred to this section of this Act: Provided also that nothing contained in this Act shall affect any right of appeal provided by any Act of Parliament under which a summary application is brought.
39 & 40 Vict. c. 70.

THE POOR'S ROLL.

Poor's roll.

51. Where parties are unable from poverty to pursue or defend an action, it shall be lawful for the sheriff to admit such

parties to the benefit of the poor's roll if, upon the report of the procurators for the poor, he is satisfied that such person is entitled thereto.

Repeal.

Repeal of statutes.

52. The enactments mentioned in the Second Schedule hereto annexed are hereby repealed to the extent mentioned in the third column of that Schedule, and all laws, statutes, Acts of Sederunt, orders and usages now in force so far as the same are inconsistent with the provisions of this Act, are also hereby repealed. But provided that all actions pending at the date of the commencement of this Act shall nevertheless proceed to final determination in all respects as if this Act had not been passed.

SCHEDULES.

FIRST SCHEDULE.

Sections 39, 40, and 45.

Rules for regulating Procedure in the Ordinary Court.

Forms of Process.

Initial writ.

1. Subject to the provisions of the Titles to Land Consolidation (Scotland) Act, 1868, and the Conveyancing and Land Transfer (Scotland) Act, 1874, as regards service of heirs and completion of title, all actions shall be commenced by writ as nearly as may be in the Form A hereto annexed.

Copy account to be served.

2. Where the claim or demand is founded upon a stated account a copy of the account shall be endorsed upon or attached to the initial writ and served along with it.

Writ to be signed.

3. The writ shall be signed by the pursuer or complainer or by his agent, and the name and address of pursuer's agent (if any) shall be upon the back of every service copy.

Form of first warrant.

4. The warrrant of citation shall be as nearly as may be—

(*a*) In summary causes and summary removings, and also in summary applications when citation is necessary and in cases under the Workmen's Compensation Act, in the Form B hereto annexed :

(*b*) In all other causes, in the Form C hereto annexed.

Inducіæ.

Inducіæ of citation.

5. Actions shall proceed upon seven days' warning or inducіæ when the defender is within Scotland, or fourteen days when he is in Orkney or Shetland or in any other island within Scotland or is furth of Scotland.

Special inducіæ.

6. The sheriff may shorten or may extend the inducіæ, but not so as to be in any case less than forty-eight hours.

CITATION.

Signature of warrants.

7. Warrants may be signed by the sheriff-clerk, but any warrant may be signed by the sheriff or sheriff-substitute, and must be so signed if it contains an order for shortening or extending the induciæ or for interim interdict, sequestration, or other order not being an order for citation or warrant to arrest. In actions against persons furth of Scotland the warrant may authorise service edictally.

Mode of citation.

8. Citation may be in the Form D hereto annexed, and the form of execution of citation, which shall be appended to or endorsed upon the initial writ, may be in the Form E hereto annexed.

Attestation of officer's execution of citation.

9. If a warrant is executed by an officer, one witness shall be sufficient for the execution of citation and the execution shall be signed by the officer and the witness, and shall specify whether the citation was personal, or, if otherwise, the mode of citation.

Endorsation of warrant by sheriff clerk of defender's residence not necessary.

10. Any warrant of citation or any warrant or precept of arrestment proceeding upon a depending action or liquid document of debt may in any competent manner be lawfully executed within the jurisdiction of any sheriff without indorsation by the sheriff-clerk of that jurisdiction, and, if executed by an officer, may be so executed by an officer of the court which granted the warrant or precept, or by an officer of the jurisdiction within which it is to be executed.

Citing of corporation.

11. A corporation or association, or a firm nominate or descriptive, or a board corporate or unincorporate, may be sued and summary diligence upon a sheriff court decree, or a decree of registration executed against them under their nominate or descriptive name alone, and may be competently cited at their principal place of business (which term shall include the office or place of business of the clerk or secretary of any board or corporation), or, where the principal place of business is outwith the jurisdiction, at any place of business within the jurisdiction.

Service of new.

12. If it appear to the sheriff that there has been any irregularity in service upon a defender who has not appeared, the sheriff may authorise the pursuer or complainer to make service of new upon such conditions as to the sheriff shall seem just.

Defender appearing barred objecting to citation.

13. A party who appears may not state any objection to the regularity of the service upon himself, and his appearance shall be deemed to remedy any defect in the service, unless where jurisdiction has been constituted by citation or by arrestment ad fundandum jurisdictionem.

Citation of a minor.

14. Service in ordinary form on a minor and on his father, as curator-at-law, or upon a minor and his tutors and curators if known to pursuer, or, if they are not known, upon the minor himself in ordinary form, and his tutors and curators edictally, shall be good and sufficient service on the minor for every purpose of law.

Edictal citation.

15. It shall be competent to execute edictally any warrant of citation granted or charge on an extracted decree pronounced by a sheriff against any person furth of Scotland, by delivery of a copy thereof at the office of the keeper of edictal citations at Edinburgh according to the mode established in regard to the execution edictally of citations and charges on warrants of the Court of Session ; or by sending to such keeper in a registered post-letter a certified copy of such warrant or charge, of which copy the keeper shall acknowledge receipt. Every citation or charge so executed edictally shall be recorded in the record of edictal citations in Edinburgh in a separate record of edictal citations or charges against persons furth of Scotland cited or charged upon warrants proceeding from any sheriff court. Where the party cited or charged has a known residence or place of business in England or Ireland a copy of the writ and citation or of the

decree and charge on fourteen days' induciæ shall be posted in a registered letter to the party at such address, and the execution shall express that this has been done. The sheriff-clerk shall in all warrants to cite persons furth of Scotland insert a warrant to cite edictally, and along with the execution of edictal citation pursuer's agent shall lodge a certificate of such postal intimation and the post office registered letter receipt.

Custody of Process.

Custody of process.

16. Every initial writ shall after tabling remain in the custody of the sheriff-clerk, unless the sheriff shall grant a special order to the contrary. A process may be borrowed only by an agent entitled to practise in the jurisdiction, or by his duly authorised clerk, for whom he shall be responsible.

Lost documents may be replaced by copies.

17. When any number of process is lost or destroyed, a copy thereof, authenticated in such manner as the sheriff may require, may be substituted, and shall, for the purposes of the action, be equivalent to the original.

Interlocutor sheets, &c. to be lodged by pursuer.

18. In a defended action the pursuer shall lodge with the sheriff-clerk principal and duplicate interlocutor sheets and a principal and borrowing inventory of process; and the sheriff-clerk shall endorse upon all pleadings the date when the same are lodged. The principal interlocutor sheets and the borrowing inventory shall remain in the custody of the sheriff-clerk.

Transfer of Causes.

Transfer of cause to more convenient sheriffdom where several defenders in different sheriffdoms.

19. Where an action in which there are two or more defenders has been brought in the court of the domicile of one of them, the sheriff may transfer the cause to any other court which has jurisdiction over any of the defenders, if in his opinion it is expedient that this should be done, and an action so transferred shall proceed in all respects as if it had been originally brought in that court.

Sheriff on cause shown may remit to another sheriffdom.

20. The sheriff may upon sufficient cause, by interlocutor stating his reasons, remit any cause to another sheriffdom, and such interlocutor, when issued by a sheriff-substitute, shall by leave of the sheriff-substitute, and within seven days only, be subject to review by the sheriff, but shall not be further subject to review.

Where plea of no jurisdiction stated, cause may be remitted to proper sheriffdom.

21. Where a plea of no jurisdiction is sustained, the sheriff may, if he think proper, and upon such conditions as to costs as he may think fit, remit the cause to the sheriff before whom it appears to him it ought to have been brought, and it shall thereafter proceed in all respects as if it had been originally there brought. When such remit is made by the sheriff-substitute, the interlocutor remitting shall by leave of the sheriff-substitute, and within seven days only, be subject to review by the sheriff, but shall not be further subject to review.

Appearance.

Notice of appearance.

22. If a defender intend to state a defence he shall (except in a summary cause), before the expiry of the induciæ, lodge with the sheriff-clerk a notice of appearance in the following terms:—

[Place and date]—C. D., [design him] defender, intends to defend the action against him [and others] at the instance of A. B. [design him].

C. D. *Defender*,
or X. Y. [add address],
Defender's Agent.

UNDEFENDED CAUSES.

In undefended cause decree may be granted at any time after expiry of induciæ.

23. Where a defendant does not answer or lodge a notice of appearance the sheriff may at any time, after the expiry of the induciæ, upon written craving to that effect being endorsed upon the initial writ by the pursuer or his agent, decern in terms of the claim or demand as set forth in the initial writ, and for expenses as the same may be certified by a note endorsed upon the initial writ by the auditor of court, subject to any restriction endorsed upon the writ or set forth in a minute by the pursuer or his agent.

Extract of decree in absence in seven days.

24. The sheriff-clerk may issue an extract of such decree after the expiry of seven days from the date of the sheriff's judgment.

Finality of decree in absence.

25. A decree pronounced in absence, and which has not been recalled or brought under review by suspension, where suspension is competent, or by reduction, shall become final, and be entitled to all the privileges of a decree in foro—

(*a*) In six months from its date, or from the date of charge under it, where the service of the writ or of the charge has been personal;

(*b*) In any event after the lapse of twenty years from its date.

Amendment of writ in undefended action.

26. In an undefended action the sheriff may allow the pursuer or his agent to amend any error or defect in the initial writ, and may, if he see fit, order the amended writ to be served upon the defender, and may allow him to appear within such time as he may think proper. But the expense occasioned by such amendment shall not be chargeable against the defender, and such amendment shall not have the effect of validating diligence used on the dependence of the action so as to prejudice creditors of the defender, but such amendment shall be operative to the effect of obviating objections to such diligence when stated by the defender himself, or by any persons representing him by a title, or in right of a debt contracted by him subsequent to the using of such diligence, and any diligence which was competent upon the original writ shall be competent upon the amended writ.

REPONING.

Defender may be reponed against decree in absence.

27. At any time before implement of a decree in absence, the defender may apply to be reponed by lodging with the sheriff-clerk and serving upon pursuer a note setting forth his proposed defence, and his explanation of his failure to appear.

Upon consignation.

28. Along with this reponing note the defender shall consign the sum of two pounds in the hands of the sheriff-clerk.

Sheriff may recall the decree in absence.

29. Upon such consignation the sheriff, if satisfied with the defender's explanation, may recall the decree so far as not implemented, whereupon the action shall proceed in all respects as if the defender had appeared.

Or refuse to recall.

30. If the sheriff is not satisfied with the defender's explanations he may refuse the reponing note.

Pursuer entitled to consigned money.

31. In either case the pursuer shall be entitled to uplift the consigned money.

Reponing note to operate as sist of diligence.

32. A reponing note, when duly lodged and intimated to the pursuer or to his agent, shall operate as a sist of diligence.

Judgment upon a reponing note final.

33. Any interlocutor or order upon a reponing note, or recalling, or incidental to the recall of a decree in absence, shall be final and not subject to review.

Defended Causes.

Defended cause to be tabled.

34. Where appearance has been entered the sheriff-clerk shall enrol the cause for tabling on the first court day occurring after the expiry of the induciæ.

If not tabled to drop from roll.

35. An action which has not been tabled, and in which protestation has not been craved, shall drop from the roll, but within three months the sheriff may direct it to be again enrolled for tabling under such conditions as to notice, or re-service, or expenses, or otherwise as he shall think fit.

If case not tabled defender may crave protestation.

36. If the pursuer do not then table the cause, the defender or his agent, upon producing the service copy of the writ, may crave protestation for not insisting, which the sheriff may grant, and may modify the amount of protestation money payable to defender.

Extract of protestation.

37. Protestation shall not be extracted till the expiry of seven free days from the date of its granting, except where arrestments have been used, in which case extract may be given out after the lapse of forty-eight hours.

Effect of protestation.

38. Upon protestation being extracted, the instance shall fall.

Recall of protestation.

39. Before extract protestation may be recalled, and the pursuer may be allowed to proceed with his action upon making payment to the defender of the amount of the protestation money, and upon such other conditions as to the sheriff shall seem just.

Sheriff may direct any cause to be tried as a summary cause.

40. When any defended action (other than a claim under the Workmen's Compensation Act) has been tabled, the sheriff of consent of parties, notwithstanding that its value exceeds fifty pounds, may, at any stage, direct that it be tried as a summary cause, and his decision as to this shall be final.

Procedure in a summary cause.

41. In a summary cause the sheriff may order a condescendence and defences if he thinks fit, or may make or certify a note upon the writ or separately of the pleas of parties and appoint a diet for the trial of the cause, or may order such other procedure as the circumstances seem to him to require.

In non-summary cause condescendence within three days of tabling.

42. In all other defended causes the pursuer shall at the tabling of the cause, or within three days thereafter, lodge a condescendence setting forth succinctly and in articulate articles the grounds of action, and his pleas in law.

Defences within six days.

43. Within six days of the condescendence being lodged the defender shall lodge his defences.

Enrolment for adjustment.

44. The sheriff-clerk shall, upon defences being lodged, enrol the cause for an ordinary court day occurring not less than four days thereafter for adjustment. The adjustment shall not be adjourned more than once unless upon special cause shown.

Certified copy writ warrant for arrestment.

45. In every defended action the pursuer shall, after defences have been lodged, and before the diet for adjustment, lodge in process a copy of the initial writ and warrant thereon certified by him or his agent, which may thereafter be borrowed by the agent of any party to the process, and such certified copy shall be sufficient warrant where competent to arrest on the dependence. Separate precepts of arrestment may be issued by the sheriff-clerk upon production to him of a writ containing pecuniary conclusions upon which a warrant of citation has been granted, or of a liquid document of debt.

Form of defences.

46. Defences shall be in the form of articulate answers to the condescendence, having appended a note of defender's pleas, and where necessary a statement of facts founded on in defence which shall be set forth succinctly.

Documents founded on to be produced before record closed.

47. Each party shall, along with his pleadings, or at latest before the closing of the record, if required by any other party in the action or by the sheriff, lodge any documents founded upon in the pleadings, so far as the same are within his custody or power.

Diligence for recovery of such documents.

48. Where such documents are not produced by either party, or where they are in the hands of third parties, the sheriff may, on the motion of either party, grant commission and diligence for their recovery, and may on that account delay closing the record.

Revisal may be ordered.

49. The sheriff may upon cause shown, or ex proprio motu, order a revisal of the pleadings, or may order pursuer to answer defender's separate statement of facts.

Documents may be challenged ope exceptione.

50. When a deed or writing is founded on by any party in a cause, all objections thereto may be stated and maintained by way of exception, without the necessity of bringing a reduction thereof.

Caution may be ordered when action of reduction competent.

51. The sheriff may, where an objection is so stated, and where an action of reduction would be competent, order the objector to find caution, or to make consignation as he shall direct.

Closing record.

52. When the pleadings have been adjusted the sheriff shall close the record.

Alterations to be initialed by sheriff.

53. All alterations or additions made on the record shall be authenticated by the sheriff's initials.

Preliminary pleas to be first disposed of.

54. If preliminary pleas have been stated the sheriff shall first dispose of them, unless he thinks that from their being connected with the merits, or on any other ground, they should be reserved till a future stage of the cause.

Counter claim may be stated in defences.

55. Where a defender pleads a counter claim it shall suffice that he state the same in his defences, and the sheriff may thereafter deal with it as if it had been stated in a substantive action, and may grant decree for it in whole or in part, or for the difference between it and the claim sued on.

Failure of either party to appear or to implement orders of court entitles other party to decree.

56. In a defended action (including a jury cause) when any production or pleading has not been lodged or order implemented within the time required by statute or ordered by the sheriff or where in a defended action either party fails to appear by himself or his agent at any diet, or fails to make payment of any court dues or deposit, the sheriff may grant decree as craved, or of absolvitor, or may dismiss the action, with expenses, but the sheriff may upon cause shown prorogate the time for lodging any production or pleading or implementing any order. If all parties fail to appear the sheriff shall, unless sufficient reason appear to the contrary, dismiss the action.

Agent failing to return process may be fined.

57. When an agent has borrowed a process, or any part thereof, and fails to return it for any diet at which it is required, the sheriff may impose upon such agent a fine not exceeding one pound, which shall be payable to the clerk of court for behoof of His Majesty's Exchequer, but an order so imposing a fine may, on cause shown, be recalled by the sheriff who granted it. Orders made under this section shall not be subject to review. For the purposes of this section every agent practising before his court shall be subject to the jurisdiction of the sheriff.

58. If at the time of closing the record the parties renounce probation, they shall sign a minute to that effect on the interlocutor sheet, and the sheriff may order the case to be debated then or at a subsequent diet. If probation renounced parties to sign minute.

59. If proof is necessary, the sheriff shall (unless the cause has been ordered for jury trial), with the least possible delay, fix a date for taking the proof, and may limit the mode of proof. Proof may be ordered.

60. The sheriff may remit to any person of skill, or other person, to report on any matter of fact; and, when such remit is made of consent of both parties, the report of such person shall be final and conclusive with respect to the matter of the remit. When such a remit is made, upon the motion of either party, the expense attending its execution shall in the first instance be paid by the party moving for it. When the remit is on joint motion, or by the sheriff ex proprio motu, the expense shall in the first instance be paid by the parties equally, unless the sheriff shall otherwise order. Remit to person of skill.

61. The parties to any action may lodge in process a minute, signed by themselves or their agents, agreeing to the cause being disposed of in the manner provided under the Small Debt Acts, whereupon the sheriff shall remit the action to his small debt court roll, and the whole powers and provisions of the Small Debt Acts shall become applicable to the cause. Parties may by minute agree to cause being tried as small debt cause.

62. At any time after a proof has been allowed, or an order made for jury trial, the sheriff, upon the motion of either party, may grant commission and diligence for the recovery of such documents as the sheriff shall deem relevant to the cause. Diligence for recovery of documents.

63. Evidence in danger of being lost may be taken to lie in retentis, and, if satisfied that it is desirable so to do, the sheriff may, upon the motion of either party at any time, either take himself, or grant authority to a commissioner to take, such evidence. Evidence to lie in retentis.

64. When any person desires to refer to the oath of his adversary, he shall lodge a minute to that effect, signed by himself or his agent. If the party to whose oath reference has been made fail to appear at the diet for taking his deposition, the sheriff may hold him as confessed, and decern accordingly. Reference to oath.

65. Evidence in a cause or a deposition, whether before the sheriff or a commissioner, may be taken down by the sheriff or commissioner, or by a clerk or shorthand writer nominated by the sheriff or commissioner, to whom the oath de fideli administratione shall be administered and evidence may be recorded in narrative form or by question and answer as the sheriff or commissioner shall direct, and the extended notes of evidence certified by such clerk or shorthand writer shall be the notes of the oral evidence in the cause. The sheriff or commissioner may, if he think fit, dictate to the clerk or shorthand writer what he is to record. Recording of evidence.

66. If the correctness of the notes of evidence or of a deposition be questioned, the sheriff may satisfy himself in regard thereto by the examination of witnesses or otherwise, and may amend the record of evidence or a deposition. Sheriff may amend record of evidence.

67. When a shorthand writer is so employed to record evidence, he shall in the first instance be paid, as regards commissions by the party moving for the commission, and as regards proofs or jury trials by the parties equally. The agents of parties shall be personally liable for the shorthand writer's fees. And it shall be competent for the sheriff to make an order directing payment to be made. Shorthand writer's fees.

Production of documents may be ordered.

68. The sheriff may order production of documents at any stage of the cause, and the sheriff may allow a party, at any time before judgment, to produce any document which he has failed to produce timeously, upon such conditions as to payment of expenses and allowing further proof as to the sheriff shall seem just.

Proof to be taken continuously.

69. The proof shall be taken so far as possible continuously, but the sheriff may adjourn the diet from time to time.

Evidence may be taken on commission.

70. The evidence of any witness or haver resident beyond the jurisdiction of the court, or who although resident within the jurisdiction resides at some place remote from the seat of the court, or who is by reason of illness, age, or infirmity unable to attend the diet of proof, or a jury trial, may be taken by commission in like manner as evidence to lie in retentis.

Citation of witnesses.

71. A copy of an interlocutor certified by the sheriff clerk allowing a proof or fixing a diet for the trial of any action or for the examination of witnesses or havers, or fixing a date for a jury trial, shall be sufficient warrant for citation of witnesses or havers. If any witness or haver duly cited on an inducie of at least forty-eight hours, and after having been tendered his travelling expenses, if the same shall have been demanded, fail to attend a diet, either before the sheriff or before his commissioner, such witness or haver may be ordained by the sheriff to forfeit and pay a penalty not exceeding forty shillings, unless a reasonable excuse be offered and sustained, and the sheriff may grant decree for said penalty in favour of the party on whose behalf said witness or haver was cited.

Form of citation.

72. Witnesses and havers may be cited as nearly as may be in Form F hereto annexed, and the execution of citation shall be as nearly as may be in the Form G, and an agent who cites a witness shall be personally liable for the fees of the witness.

Second diligence against witness failing to attend.

73. It shall further be competent to the sheriff to grant second diligence (which shall be effectual in any sheriffdom within Scotland without endorsation) for compelling the attendance of said witness or haver under pain of arrest and imprisonment, until caution be found as the sheriff may require for his due attendances, the expense whereof may in like manner be decerned for against the witness or haver.

Objections taken in course of proof to be noted.

74. When the sheriff or a commissioner repels or sustains an objection taken in the course of a proof, the objection stated, and any answer made to it, shall, if desired by the objector, be shortly noted on the notes of evidence to the sheriff's or commissioner's dictation, but the examination of the witness shall nevertheless proceed. The sheriff or commissioner may, if he consider the objections of sufficient importance, direct the evidence objected to to be taken on a separate paper; but it shall not be competent during the course of a proof to submit to review any judgment pronounced upon the competency of the evidence.

Appeal on questions of admissibility of evidence.

75. On the proof being declared closed, or within seven days thereafter, if the sheriff substitute has not in the interval pronounced judgment, it shall be competent by leave of the sheriff-substitute to appeal to the sheriff upon objections to the admissibility of evidence taken during the course of the proof, and the sheriff shall, with or without a hearing, dispose of such appeal with the least possible delay, and, if he think that evidence accepted should not have been allowed, he may delete the same from the notes of evidence, and, if he think that evidence has been improperly rejected, he may appoint the same to be taken before the case is advised on its merits.

Appeal on ground of confidentiality.

76. If any person, whether a party to the cause or other person, plead before the sheriff-substitute confidentiality with reference to documentary or oral evidence, or, on pleas of alleged hypothec or otherwise, shall object to produce documents, the sheriff-substitute shall, on the notes of evidence, minute his decision on such pleas, and any party in the cause or the party pleading confidentiality by leave of the sheriff-substitute may, in open court, take an appeal to the sheriff, who shall, with or without a hearing and with the least possible delay, dispose of such appeal.

Proof to proceed notwithstanding such appeal.

77. Such incidental appeal shall not remove the cause from the sheriff-substitute, who may proceed with the cause as regards points not necessarily dependent upon the ruling so appealed against.

Parties to be heard at close of proof.

78. At the close of the proof, or at an adjourned diet, if for any reason the sheriff shall see fit to postpone the hearing, the sheriff shall hear the parties or their agents, and thereafter shall pronounce judgment with the least possible delay.

Amendment of Pleadings.

Record may be amended by sheriff.

79. Upon the motion of either party the sheriff may, at any stage of the cause, and upon such conditions as to expenses, reservice, or otherwise, as he shall deem proper, allow a record to be altered or amended to the effect of determining the real question in controversy (including amendment of the instance and the initial writ and the adding of parties) notwithstanding that the conclusions of the action may thereby be enlarged or altered.

Effect of amendment.

80. No such amendment shall have the effect of validating diligence used prior thereto on the dependence of the action so as to prejudice the rights of creditors of the defender interested in defeating such diligence, but such amendment shall be operative to the effect of obviating objections to such diligence when stated by the defender himself, or by any person representing him by a title, or in right of a debt contracted by him subsequent to the execution of such diligence.

Abandonment.

Abandonment of action.

81. A pursuer may at any stage of an action before an interlocutor granting absolvitor or dismissing the action has been pronounced offer to abandon his action by lodging a minute to that effect, signed by himself or his agent, in which case, upon payment to defender of his expenses, the sheriff may dismiss the action, and pursuer may bring a new action if otherwise competent. If the pursuer fails, within fourteen days of the date of taxation, to pay the defender's expenses, the defender shall be entitled to decree of absolvitor, with expenses.

Judgment.

Sheriff to state reasons for judgment.

82. To all interlocutors, except those of a formal nature, the sheriff shall append a note setting forth the grounds upon which he has proceeded, and in his final judgment on the merits he shall set forth his findings in fact and in law separately.

Date of judgment to be date of entry in court books.

83. The sheriff may pronounce or sign any judgment or interlocutor when furth of his sheriffdom, but the date of every interlocutor shall be deemed to be the date upon which it is entered in the books of the court.

Clerical error in judgment may be corrected.

84. At any time before extract, or before the transmission of a process in which an appeal has been taken, the sheriff may correct any clerical or incidental error in his judgment.

Extract.

Time of extract.

85. Extract of any decree, interlocutor, or order of the sheriff (other than a decree in absence or a decree for expenses), if the same shall not have been sooner appealed against, may be issued in a summary cause after the lapse of seven days; and in any other cause, after the lapse of fourteen days from its date, or at such earlier date as the sheriff shall allow extract.

Appeal.

Appeal from the sheriff-substitute.

86. A final judgment of the sheriff-substitute may, if appeal be competent and unless otherwise provided, be appealed to the sheriff or to the Court of Session at any time within three months of its date (but not later), if the same shall not sooner have been extracted or implemented. Any other appealable interlocutor of the sheriff-substitute may be appealed within fourteen days (but not later), if not sooner extracted.

Form of appeal.

8 7. An appeal shall be taken by the appellant or his agent dating and signing a note on the interlocutor sheet in the following terms :—

The pursuer [or defender or other party] appeals [to the sheriff] or [to the Division of the Court of Session].

Or if the interlocutor sheet is not in the hands of the sheriff-clerk (which fact shall be certified by him), the note of appeal may be written upon a separate paper, and lodged along with the sheriff-clerk's said certificate.

On appeal process to go to sheriff or clerk of Session.

88. On an appeal being taken, the sheriff-clerk shall within two days transmit the process to the sheriff or to the principal clerk of Session as the case may be, and also send written notice of the appeal to the other parties or their agents, but failure to give such notice shall not invalidate the appeal.

Reclaiming note or oral hearing may be ordered.

89. The sheriff may order a reclaiming note and answers, or may hear parties orally.

But may be dispensed with.

90. The sheriff may, on the motion of both parties and if he see fit, dispose of the appeal without ordering either a reclaiming note and answers or an oral hearing.

Sheriff to regulate interim possession, &c. pending appeal.

91. Notwithstanding an appeal, the sheriff shall have power to regulate all matters relating to interim possession, to make any order for the preservation of any property to which the action relates or for its sale if perishable, or for the preservation of evidence, or to make in his discretion any interim order which a due regard to the interests of the parties may require. Such orders shall not be subject to review except by the Appellate Court at the hearing of the appeal.

Appeal to Court of Session.

92. Within three months from its date (but not later) a final judgment of the sheriff, if not sooner extracted or implemented, may, if appeal be competent, be appealed to the Court of Session. Any other appealable judgment of the sheriff may, if not sooner extracted or implemented, be appealed within fourteen days (but not later).

Form of appeal.

93. The party desiring so to appeal, or his agent, shall do so by writing on the interlocutor sheet (or on a separate paper, in like manner as in the case of an appeal from the sheriff substitute), a note in the following terms :—

The pursuer [*or* defender *or* other party] appeals to the Division of the Court of Session.

Sheriff-clerk to transmit process to Edinburgh.

94. On receiving such note of appeal the sheriff-clerk shall within two days transmit the process to the principal clerk of session at Edinburgh, and shall also send written notice of the appeal to the other parties or their agents, but failure to give such notice shall not invalidate the appeal.

Form of appeal to Court of Session in actions advocated under this Act.

95. If any action is desired to be removed to the Court of Session in terms of sections five and thirty of this Act, the party so desiring its removal shall write a minute to that effect upon the interlocutor sheet, whereupon the sheriff-clerk shall give intimation to the other parties or their agents and shall transmit the process to the keeper of the roll of the Court of Session, who shall, under the direction of the Lord President, allocate the cause to a Division and a Lord Ordinary, and thereafter the cause shall proceed in all respects as if it had originally been raised in the Court of Session.

Abandonment of appeal.

96. After an appeal has been noted, the appellant shall not be entitled to abandon it unless of consent of all parties, or by leave of the Appellate Court.

97. In sections 86, 87, 88, 89, 90, and 92 "sheriff" does not include sheriff-substitute.

Expenses.

Decree for expenses to include dues of extract.

98. Every decree for expenses shall be deemed to include a decree for the expense of extracting the same, and extract of such decree for expenses may be issued after the lapse of seven days unless otherwise directed by the sheriff.

Decree for expenses may be extracted in agent's name.

99. Expenses allowed in any action, whether in absence or in foro, shall, unless modified at a fixed amount, be taxed before decree is granted for them, and the sheriff may allow a decree for expenses to go out and be extracted in name of the agent who conducted the cause.

Objection to auditor's report.

100. Within two days after the lodging of the auditor's report on taxation it shall be competent to lodge a note of objections to an auditor's report, and the sheriff shall dispose of such objections in a summary manner, with or without answers.

Wakening.

Wakening action.

101. If no interlocutor shall have been pronounced in a cause for a year and a day it shall be held to have fallen asleep.

To be by minute.

102. Where the whole of the parties or their agents subscribe a minute on the interlocutor sheet consenting to the cause being wakened the sheriff may pronounce an interlocutor wakening the cause, and thereafter proceed with it.

Publication of application for wakening.

103. Where all parties do not so consent, the party desiring to have the cause wakened may lodge a minute to that effect, which the sheriff may order to be intimated to the other parties or their agents, and to be published in such manner as the sheriff shall direct, and the agent for the party applying for wakening shall lodge a certificate that the intimation and publication ordered have been made. If satisfied, the sheriff may thereafter pronounce an interlocutor wakening the cause, and proceed with it.

Sequestration for Rent.

In sequestration for rent.

104. In actions for sequestration, and sale, for recovery, or in security of rent, whether brought after the term of payment or currente termino, payment of rent may be concluded for, and decree for payment of such rent or part thereof, when the same has become due and payable, may be pronounced and be extracted in common form.

Warrant may be granted to inventory and secure.

105. In the first deliverance upon a writ for sequestration for rent the sheriff may sequestrate the effects of a tenant, and grant warrant to inventory and secure the same, and all warrants to sequestrate, inventory, sell, eject, or re-let shall be deemed to include authority, if need be, to open shut and lockfast places for the purpose of carrying such warrants into execution.

Sequestrated effects may be sold.

106. The sheriff may order the sequestrated effects to be sold at the sight of an officer of court or other person named.

Sale to be reported within fourteen days.

107. When a sale follows, it shall be reported within fourteen days and pursuer shall lodge the roup rolls or certified copies thereof and a state of debt.

Sheriff may decree for balance due after sale.

108. In the interlocutor approving the report of sale, or by separate interlocutor, the sheriff may give decree against the defender for any balance remaining due.

Sheriff may appoint caretaker or order caution.

109. The sheriff may at any stage appoint a fit person to take charge of the sequestrated effects, or may require the tenant to find caution that they shall be made forthcoming.

Removings.

Action of removing where fixed term of removal.

110. An action of removing may be raised at any time, provided the tenant has bound himself to remove by writing, dated and signed within twelve months of the term of removal, or, where there is more than one ish, of the ish first in date to remove. When the tenant has not so bound himself, an action of removing may be raised at any time provided that—

(*a*) In the case of a lease of lands exceeding two acres in extent for three years and upwards, an interval of not less than one year nor more than two years shall elapse between the date of notice of removal and the term of removal first in date ;

(*b*) In the case of leases of lands exceeding two acres in extent, whether such leases be written or verbal, held from year to year or under tacit relocation, or for any other period less than three years, an interval of not less than six months shall elapse between the date of notice of removal and the term of removal first in date ; and

(*c*) In the case of houses let with or without land attached not exceeding two acres in extent, as also of land not exceeding two acres in extent without houses, as also of mills, fishings, shootings, and all other heritable subjects excepting land exceeding two acres in extent, and let for a year or more, forty days at least shall elapse between the date of notice of removal and the term of removal first in date.

Provided that nothing herein contained shall affect section 27 of the Agricultural Holdings Act, 1883 : Provided also that in any defended

action of removing the sheriff may order the defender to find caution for violent profits: Provided also that, in actions of declarator of irritancy and removing by a superior against a vassal, the pursuer shall call as parties the last entered vassal and such heritable creditors and holders of postponed ground burdens as are disclosed by a search for twenty years prior to the raising of the action, and the expense of the search shall form part of pursuer's expenses of process.

Form of notice of removal.

111. Notices under sections 34, 35, and 36 of this Act shall be as nearly as may be in the Form H annexed hereto, and a letter of removal may be in the terms of Form I.

Form of notice under section 37.

112. Notices under section 37 of this Act shall be as nearly as may be in the Form J hereto annexed, and such form may be used, mutatis mutandis, also for notices to the proprietor by or on behalf of the tenant.

Removal notices.

113. Removal notices under sections 34, 35, 36, 37, and 38 of the Act may be given by a messenger-at-arms or sheriff officer, or by registered letter signed by the person entitled to give such notice, or by the law agent or factor of such person, posted at any post office within the United Kingdom in time to admit of its being delivered at the address thereon on or prior to the last date upon which by law such notice must be given, addressed to the person entitled to receive such notice, and bearing the particular address of such person at the time if the same be known, or, if the same be not known, then to the last known address of such person.

Evidence of notice to remove.

114. A certificate of notice under rule 111, dated and endorsed upon the lease or extract, or upon the letter of removal, and signed by the sheriff officer, messenger-at arms, or by the person giving the notice, or his law agent, or factor, or an acknowledgment of notice endorsed on the lease or extract or letter of removal by the party in possession or his agent shall be sufficient evidence that notice has been given. Where there is no lease, a certificate endorsed upon a copy of the notice or letter, certified to be correct, by the person, sheriff officer, messenger-at-arms, law agent, or factor sending the same, which certificate shall be signed by such party sending the notice or letter, shall also be sufficient evidence that notice has been given. A certificate of notice under rule 112, dated and endorsed upon a copy of the notice or letter signed by the party sending the notice, shall be sufficient evidence that such notice has been given.

Summary Removings.

Form of action for summary removing.

115. The action for summary removing as authorised by section 38 of this Act may be at the instance of a proprietor or his factor, or any other person by law authorised to pursue a process of removing, and be in the Form K hereto annexed.

Form of warrant.

116. The warrant to be granted thereon may be in the Form B hereto annexed upon two days inducie and may be signed by the sheriff-clerk.

Decree in absence may be recalled within three days.

117. If the defender fail to appear, the sheriff may dispose of the cause in his absence, but, if within three days the defender shall satisfy the sheriff that there was reasonable excuse for his non-appearance, the sheriff may re-hear the cause, and, if decree has been granted and not implemented, may recall the decree upon such conditions as to expenses and otherwise as the sheriff shall deem reasonable. Where decree is pronounced in absence, the sheriff may give such directions as he may deem proper for the preservation of the defender's goods and effects.

Service copy warrant sufficient to cite witnesses.

118. The warrant upon the petition or complaint or the defender's service copy thereof shall be sufficient warrant for the citation of witnesses.

Small debts procedure applies to summary removing.

119. Such causes shall be conducted and disposed of in the summary manner in which proceedings are conducted under the Small Debt Acts and shall not be subject to review.

Form of decree.

120. When decree and warrant of ejection is granted it shall be in the Form L hereto annexed.

Sheriff may order caution.

121. The sheriff may order written answers or adjourn the hearing of such causes, but where defences cannot be instantly verified, the sheriff shall ordain the defender to find caution for violent profits, unless the sheriff shall dispense with caution, which he may do if he see fit.

When caution found procedure as ordinary action.

122. Where a defender has given in answers, and caution for violent profits has been found or has been dispensed with, such causes shall, as nearly as may be thereafter, be conducted according to the procedure in ordinary actions of removing, and shall be subject to review in common form.

Summary Suspension.

Summary application for suspension of charge may be brought in court of defender's domicile.

123. Where a charge has been given on a decree of court granted by the sheriff or a decree of registration proceeding upon a bond, bill, contract, or other form of obligation registered in any sheriff court books, or in the books of council and session, or any others competent, or on letters of horning following on such decree, for payment of any sum of money not exceeding fifty pounds, exclusive of interest and expenses, the person so charged may apply in the sheriff court of his domicile for suspension on caution of such charge and diligence.

Diligence may be sisted on caution.

124. On sufficient caution being found in the hands of the sheriff-clerk for the sum charged for interest and expenses, and a sum to be fixed by the sheriff in respect of expenses to be incurred in the suspension process, the sheriff may sist diligence, order intimation and answers, and proceed to dispose of the cause in a summary manner.

Judgment of sheriff final on competency.

125. If objections be taken to the competency or regularity of suspension proceedings, the judgment of the sheriff-substitute, on such objections, may be appealed to the sheriff, but his judgment thereon shall be final.

Arrestment.

When arrestment schedule not served personally copy to be sent by post.

126. If a schedule of arrestment has not been personally served upon an arrestee, it shall be necessary to make the arrestment effectual, that a copy of the schedule be also sent by postal registered letter to the last known place of abode of the arrestee, or, if such place of abode is unknown, or if the arrestee is a firm or corporation, to the arrestee's principal place of business if known, or, if not known, to any known place of business of the arrestee, and the officer shall in his execution certify that this has been done, and specify the said address.

Arrestment to be reported.

127. An arrestment used on the dependence shall fall, unless the action shall have been served within seven days of the date of execution of arrestment and tabled within fourteen days after service, and, when an arrestment has been executed, the party using it or his agent shall forthwith report the execution to the sheriff-clerk.

Forthcoming and Multiplepoinding.

Forum of action of multiplepoinding.

128. An action of forthcoming or multiplepoinding may be raised in the sheriffdom where the fund or subject in medio is situated, or in that to whose jurisdiction the arrestee or the holder of the fund is subject although the common debtor may not reside within either sheriffdom.

Real raiser to be set forth.

129. The party raising an action of multiplepoinding shall set forth in the initial writ who is the real raiser. The sheriff may, in an action of multiplepoinding, allow the real raiser his expenses preferably out of the fund in medio; and, in an action of furthcoming, the expenses of bringing the action shall be deemed to be part of the arrestor's claim, which may be made good out of the arrested fund or subject.

Claims to be ordered.

130. Where, in an action of multiplepoinding, no defences are stated, and where defences are stated and repelled, the sheriff shall order claims and, if necessary, answers within a short space.

Several claimants may state one paper.

131. Several claimants may state the facts on which they base their claims on the same paper, but, where necessary, they shall append separate claims and separate pleas in law.

When competing claims procedure as in ordinary action.

132. Where there are defences in an action of furthcoming or competing claims in a multiplepoinding process the procedure shall be as near as may be that in ordinary actions where defences have been lodged.

Jury Trial.

Jury.

133. The jury shall consist of two special and five common jurors, who shall be chosen from a panel of five special and ten common jurors to be cited for the diet.

Citation of jury.

134. The jury shall be cited by the sheriff-clerk from the sheriff court jury book in the manner prescribed by law or in use to be followed for the citation of jurors in Scotland; and all statutory or other regulations and customs relative to the citation, non-attendance, selection and swearing of jurors shall (subject to rule 135) apply to jury trial in the sheriff court.

Challenge of jurors.

135. Each party in the cause shall have right to challenge one special and one common juror, but not more; and in this matter, where there are more pursuers or defenders than one, they shall act collectively and not individually.

Jury to have copy issue.

136. Each juror empanelled shall, at the commencement of the trial, be supplied by the pursuer with a copy of the questions of fact proponed as set forth in the sheriff's interlocutor.

Practice in proofs to apply.

137. The law and practice relating to the taking of evidence in proofs before the sheriffs shall apply to jury trials. Unless all the parties appearing put in a minute (which may be signed by their agents) dispensing with a record of the proceedings, the same shall be taken by an official shorthand writer of the court, but the notes need not be extended unless, in the case of an appeal, their production shall be ordered by the appellate court, in which event it shall be the duty of the appellant to procure the extended notes, certified by the shorthand writer, and to lodge the same with the principal clerk of session.

Evidence on commission.

138. When evidence has been taken to lie in retentis, if the sheriff is satisfied that the deponing witness is dead, or that he cannot attend at the trial owing to absence or infirmity or other sufficient cause, it shall be competent for the sheriff, on the motion of any party in the cause (irrespective of which party moved for the commission to take such evidence) to direct that the report of the commission be read to the jury, and when so read such report shall form part of the evidence in the cause; but depositions shall not be read or referred to if the deponing witness attends at the trial.

Exceptions.

139. Exceptions taken in the course of the trial to rulings of the sheriff in regard to admission or rejection of evidence, or in regard to points of law laid down in the course of the trial or in the sheriff's charge to the jury, shall, if required by the party taking the exception, be recorded to the sheriff's dictation upon the official shorthand notes before the jury proceed to consider their verdict.

Addressing jury.

140. No person shall be entitled to address the jury until the leading of evidence has been concluded; but thereafter the parties, personally or by counsel or law agent, may address the jury. One speech only on behalf of each interest represented shall be made.

Charge to jury.

141. If the sheriff deem it necessary to charge the jury, he shall do so immediately after, or as soon as practicable after, the conclusion of the speeches, or, if none be made, after the conclusion of the evidence.

Productions.

142. Documents or productions intended to be put in evidence or referred to at the trial shall be lodged with the clerk of court four days before the date fixed for the trial, but the sheriff may allow productions to be exhibited and produced at the trial if he is satisfied that they could not reasonably have been lodged earlier and that reasonable notice had been given to the other parties of intention to produce at the trial.

Verdict by majority.

143. The jury may return a verdict by a majority of its number at any time not less than one hour after the jury has been enclosed.

Form of verdict.

144. The verdict of the jury shall be returned in the form of specific answers to the questions proponed by the sheriff, with the addition of a statement of the amount at which they assess the damages in the event of damages being awarded.

Verdict to be recorded.

145. The verdict returned by the jury shall be recorded upon the interlocutor sheets and signed by the clerk of the court, and this having been done the jury shall be discharged.

And followed by interlocutor.

146. Any party in the cause may, so soon as the verdict has been so recorded or within fourteen days thereafter, move the sheriff to apply the verdict, and upon this motion the sheriff may hear parties and may make avizandum. As soon as practicable the sheriff shall issue an interlocutor applying the verdict and grant decree accordingly. In this interlocutor the sheriff shall also dispose of the question of expenses.

Interlocutor final if no shorthand notes.

147. Where no shorthand notes of the proceedings have been taken, the interlocutor applying the verdict shall not be subject to review.

Grounds of appeal to Court of Session.

148. If shorthand notes have been taken, it shall be competent for any party in the cause, within fourteen days after the date of the final interlocutor of the sheriff applying the verdict (but not later), to appeal to a division of the Court of Session by lodging with the sheriff-clerk a note of appeal in the Form M annexed hereto.

149. The sheriff-clerk shall, within three days of his receiving the note of appeal, notify the other parties in the cause, and transmit the process to the principal clerk of session at Edinburgh. Transmission of process.

150. If the court shall order a new trial, the principal clerk of session shall re-transmit the process to the sheriff-clerk, and the sheriff shall as soon as practicable fix a date of new trial, which shall proceed as herein directed as regards the original trial. New trial.

Charge.

151. A company, corporation, association or firm, or a board corporate or unincorporate, may be competently charged under their nominate or descriptive name at their principal place of business (which term shall include the office or place of business of the clerk or secretary of any board or corporation) or, where their principal place of business is furth of Scotland, at any place of business in Scotland. Charge against a corporation.

The Poor's Roll.

152. The sheriff shall annually make an order appointing the agents enrolled in his court (or, where the sheriffdom is divided into districts having separate local courts, the agents enrolled in the district courts) to meet to nominate a specified number of agents for the poor. Agents to meet to nominate agents for poor.

153. Notice of such order shall be given by a copy thereof being affixed on the walls of the court-houses and sheriff-clerk's offices in the sheriffdom. Notice of meeting on court-house walls.

154. At said meeting the agents present shall, by a majority of votes, nominate the required number of agents, and cause the nominations to be reported to the sheriff. Nomination to be reported to sheriff.

155. The sheriff shall have power to confirm the nominations, in whole or in part, or to decline to do so. Sheriff may confirm or refuse.

156. Six days before the list is submitted to the sheriff, the sheriff-clerk shall notify each agent who has been nominated, and such agent may, before the nominations are confirmed, represent to the sheriff any reason why his nomination should not be confirmed. Notice to agents.

157. In the event of the agents failing to nominate as above provided for, or the sheriff not confirming the nomination, the sheriff may himself make the requisite nomination, or may appoint another meeting to be held. If agents fail to do so sheriffs may nominate.

158. The agents nominated shall act as agents for the poor in the sheriffdom, or the district in which they are appointed, for one year, but they shall be eligible for re-nomination. Agents to act for one year.

159. The agents so nominated shall as they themselves arrange, or as the sheriff shall direct, act as procurators for the poor in all causes, civil and criminal, including attendance at the circuit court. Agents to act as directed by sheriff.

160. The agents for the poor, in their respective districts, shall assist each other by taking precognitions, or proofs on commission, or otherwise as may be requisite and reasonable. Agents to assist each other.

161. In sections 152 to 157 "sheriff" does not include sheriff-substitute.

Applicant to produce certificate of poverty.

162. Along with his application for the benefit of the poor's roll, the applicant shall produce a certificate signed by the inspector or an assistant inspector of poor of the parish or district where the applicant resides, bearing that the applicant is unable, through poverty, to pay for the conduct of legal proceedings.

Application to be remitted to procurators for poor.

163. The sheriff shall remit the application to the procurators for the poor, who shall notify the parties and after inquiry shall make a report to the sheriff.

If they report applicant entitled, sheriff to appoint an agent to conduct cause.

164. If they report that the applicant has a probable cause of action and is entitled to the benefit of the poor's roll, the sheriff shall appoint one of the agents to take charge of the applicant's case.

Agent to conclude cause.

165. Such agent shall conduct the cause to its final issue, notwithstanding that during its progress he may have ceased to be an agent for the poor.

Agent to have no claim for fees unless recovered from other party.

166. Unless expenses shall be awarded against and recovered from the opposite party, the agent shall have no claim for fees; but the litigant shall be liable to him for actual outlays incurred with the litigant's sanction.

Agent not liable for fees.

167. The agent shall not be liable for witnesses' fees, shorthand writers' fees, or court dues unless they are recovered by the agent personally.

Agent not liable for court dues.

168. Neither the agent nor the litigant shall be liable for dues of court or officers' fees, unless these are awarded against and recovered from the opposite party, in which case the litigant (or the agent, if he personally recovers the same), shall be liable.

Sheriff may remove litigant from poor's roll.

169. It shall be in the power of the sheriff at any time to deprive any litigant of the benefit of the poor's roll.

FORM A.

SHERIFFDOM OF AT .

A.B. [*design him; if he sues in any special character set that forth; as also, where necessary, relationship to defender*, e.g., *wife of defender or a creditor of defender, &c.*],
Pursuer.

Against

C.D. [*design him; if sued in any special character set that forth*, e.g., *as trustee, or as vitious intromitter, &c.*],
Defender.

The claim or demand or complaint of the pursuer is [*here state shortly the general nature of the claim or demand or ground of appeal or cause of action, as for example:—*

(*a*) For payment of £ for goods sold and delivered (or otherwise) conform to account hereto annexed.
(*b*) For delivery of.
(*c*) For an accounting with defender as [*state character in which defender is liable to account*].
(*d*) For exoneration as holder of [*state fund or subject* in medio].
(*e*) For declarator that.
(*f*) For warrant to.

(*g*) For sequestration (*for rent or in bankruptcy*).
(*h*) For recall of arrestments (*used by defender in the hands of, &c.*).
(*i*) For letters of arrestment ad fundandum jurisdictionem.
(*j*) For confirmation of byelaws.
(*k*) For appointment of judicial factor.
(*l*) That defender be ordained to (*execute work, sign deeds, remove or as the case may be*).
(*m*) That pursuer is aggrieved by (*state shortly nature of byelaw, order, &c., appealed against*).
(*n*) (*Otherwise as the case may be*).]

Therefore the pursuer craves the Court [*here set forth the specific decree, warrant, or order asked, giving all the particulars to be embodied (if necessary) in an extract*].

(*To be signed*) *A.B.*, Pursuer ;

or

X.Y. [*add designation and business address*].
Pursuer's Agent.

FORM B.

[*Place and date.*] Grants warrant to cite the defender [*or respondent*] by serving a copy of the writ and warrant upon an induciæ of , and appoints him to answer within the sheriff court-house at [*in Room No. , or in Chambers, or as the case may be*], on the day of at o'clock noon, under certification of being held as confessed. [When necessary add (meantime sequestrates and grants warrant to inventory and secure) ; or (grants warrant to arrest on the dependence) or (otherwise as the case may be).]

FORM C.

[*Place and date.*] Grants warrant to cite the defender by serving a copy of the writ and warrant upon an induciæ of days, and appoints him, if he intend to defend, to lodge a notice of appearance with the sheriff-clerk at within the induciæ, under certification of being held as confessed. [*Meantime grants interim interdict, or warrant to arrest on the dependence, or sequestrates and grants warrant to inventory ; or otherwise, as the case may be.*]

FORM D.

[*Place and date, and, if necessary, hour.*] *C.D.*, defender. You are hereby served with the foregoing [*or within-written*] writ and warrant, and required to answer thereto, conform to the said warrant. [*If posted and if necessary add (the induciæ is reckoned from twenty-four hours after date of posting*).]

(*To be signed*) *P.Q.*, Sheriff Officer,

or

X.P. [*add designation and business address*].
Pursuer's Agent.

FORM E.

[*Place and date.*] I, , do hereby certify that upon the day of [*if necessary add between the hours of and*] I duly cited *C.D.*, the defender [*or respondent*], to answer to the foregoing [*or within-written*] writ. This I did by [*set forth mode of service, if by officer and not by post, add in presence of L.M.* (*design him*), witness, hereto with me subscribing].

(*To be signed*) *P.Q.*, Sheriff Officer;
L.M., Witness;
or
X.Y. [*add designation and business address*].
Pursuer's Agent.

FORM F.

K.L. [*design him*], you are hereby required to attend at the Sheriff Court House at [*street address*] [*if necessary, add within Court Room, No. , or in Chambers*], on , the day of , at o'clock noon, to give evidence for pursuer [*or appellant or complainer*] [*or defender or respondent*] in the action *A.B.* [*design him*], pursuer, against *C.D.* [*design him*], and [*if necessary*] you are required to bring with you [*specify documents*] under penalty of forty shillings if you fail to attend.

Dated this day of [*if necessary add between the hours of and noon.*]

[*Signed*] *P.Q.*, sheriff officer;
or
X.Y. [*add designation and business address.*]
Pursuer's [*or defender's or appellant's or respondent's*] Agent.

FORM G.

[*Place and date.*] I, do hereby certify that upon the day of [*if necessary, add between the hours of and noon*], I duly cited *K.L.* [*design him*], to attend at o'clock noon, within to give evidence for the in the action *A.B.* [*design him*], against *C.D.* [*design him*], and I also required him to bring with him [*specify documents*]. This I did by [*set forth mode of citation*].

[*Signed*] *P.Q.*, sheriff officer;
or
X.Y. [*add designation and business address*].
Pursuer's [*or defender's or appellant's or respondent's*] Agent.

FORM H.

To [*name, designation, and address of party in possession*].

You are required to remove from [*describe subjects*] at the term of [*or if different terms, state them and the subjects to which they apply*], in terms of lease [*describe it*] or [*in terms of your letter of removal of date*] or [*otherwise as case may be*].

FORM I.

To [*name and designation of addressee*].

[*Place and date.*] I am to remove from [*state subjects by usual name or short description sufficient for identification*] at the term of

K.L. [*add designation and address*].

If not holograph to be attested thus—

M.N. [*add designation and address*], witness.

FORM J.

[*Place and date.*]

You are required to remove from [ ] that portion of ground [*describe it*] ; *or* the mill of [*describe it*] ; *or* the shootings of the lands and estate of [*describe them*] ; *or* [*other subjects to which this notice is applicable*], at the term of Whitsunday [*insert year*] [*or Martinmas, as the case may be, inserting after the year the words, being the* 15*th day of May*, or *the* 11*th day of November*, or *the* 28*th day of May*, or *the* 28*th day of November, as the case may be*].

To *K.L.* [*designation and address*].

FORM K.

In the sheriff court of

at

A.B. [*design him*], pursuer, complains that he [*or his author, as the case may be*], let to *C.D.* [*design him*], defender [*or his author, as the case may be*], a dwelling-house garden, and pertinents [*or other subjects, as the case may be*], situated at , for the period from to , and that the defender refuses or delays to remove therefrom, although his term of occupancy has expired, and it is necessary to obtain warrant for his ejection ; therefore decree ought to be granted for removing and ejecting the defender, his family, sub-tenants, cottars, and dependants, with their goods and gear, furth and from the said subjects [*here insert date at which removal or ejection is sought*], that the pursuer or others in his right may then enter to and possess the same. [*If expenses are sought add*, "*and the defender ought to be found liable in the expenses of process and dues of extract.*"]

[*Signature of pursuer or his agent.*]

FORM L.

At the day of the sheriff [*in absence of defender, or having heard parties, as the case may be*] grants warrant for ejecting the said *C.D.*, defender, and others mentioned in the complaint from the subjects therein specified, such ejection not being sooner than [*here insert time appointed for ejection, and whether after a charge on such induciæ as may be deemed proper or instantly*] : Finds the defender liable in of expenses [*or otherwise, as the case may be*] and decerns.

[*Signature of Sheriff.*]

FORM M.

At the jury trial in the action at the instance of *A.B.* [*design him*] pursuer, against *C.D.* [*design him*], defender, held at , on the day of , before sheriff [substitute], of

The questions of fact proponed to the jury, and their answers thereto, were as follows :—

Question 1. [*State it per sheriff's interlocutor.*]

Answer 1. [*State it per the recorded verdict of the jury.*]

* * * * *

The jury awarded damages to , and assessed the same at £ .

The sheriff on pronounced the interlocutor, a copy of which is appended hereto.

The [*state party appealing*] appeals to the Division of the Court of Session upon the ground [*here state the grounds conform to section* 31 *of the Act*].

(*a*) That in the interlocutor complained of the verdict was erroneously applied.

(*b*) That the verdict of the jury was contrary to evidence in respect [*here set forth clearly and succinctly the particulars in which it is alleged the evidence led and the verdict returned are inconsistent*].

(*c*) That evidence was unduly admitted [*or rejected*] in regard to [*here set forth shortly the fact in regard to which the evidence was admitted or rejected*].

(*d*) That the sheriff misdirected the jury in regard to [*here state shortly the point of law alleged to be misdirection*].

(*e*) That the damages awarded by the jury were excessive.

M.P., pursuer [*or other party*],
or
X.Y. [*signature and business address*],
Agent for the .

Appendix. [*Here copy interlocutor appealed against.*]

Section 52.

SECOND SCHEDULE.

Session and Chapter.	Short Title.	Extent of Repeal.
20 Geo. 2. c. 43	The Heritable Jurisdictions (Scotland) Act, 1746.	Section 29.
21 Geo. 2. c. 19	The Sheriffs (Scotland) Act, 1747.	Sections 10 and 11.

Session and Chapter.	Short Title.	Extent of Repeal.
28 Geo. 2. c. 7	The Sheriffs (Scotland) Act, 1755.	The whole Act.
50 Geo. 3. c. 112	The Court of Session Act, 1810.	Sections 36, 37, 38, and 40, so far as these sections relate to Sheriff Court.
6 Geo. 4. c. 23	The Sheriff Courts (Scotland) Act, 1825.	Sections 1, 3, 4, 5, and 8, so far as these sections relate to civil causes in the Sheriff Court, and section 10.
6 Geo. 4. c. 120	The Court of Session Act, 1825.	Section 40, so far as relating to appeal for jury trial from Sheriff Court to Court of Session.
9 Geo. 4. c. 29	The Circuit Courts (Scotland) Act, 1828.	Section 22.
11 Geo. 4 and 1 W. 4. c. 69.	The Court of Session Act, 1830.	Sections 22, 23, 24, and 32, as also in section 33 the words "and all "actions of separation a mensa et "thoro."
2 & 3 W. 4. c. 65.	The Representation of the People (Scotland) Act, 1832.	Section 36, so far as relating to sheriff and sheriff-substitute.
1 & 2 Vict. c. 114.	The Debtors (Scotland) Act, 1838.	Section 19.
1 & 2 Vict. c. 119.	The Sheriff Courts (Scotland) Act, 1838.	The whole Act, except sections 25, 27, and 28, and section 31, so far as that section relates to courts other than Sheriff Courts.
16 & 17 Vict. c. 80.	The Sheriff Courts (Scotland) Act, 1853.	The whole Act, except section 34.
27 & 28 Vict. c. 106.	The Sheriffs Substitute Act, 1864.	The whole Act.
30 & 31 Vict. c. 96.	The Debts Recovery (Scotland) Act, 1867.	The whole Act.
31 & 32 Vict. c. 100.	The Court of Session Act, 1868.	Sections 65, 66, 67, 68, 69, 70, 73, and 79, so far as those sections relate to appeals from Sheriff Court.
33 & 34 Vict. c. 86.	The Sheriff Courts (Scotland) Act, 1870.	Sections 13 and 14.
38 & 39 Vict. c. 81.	The Sheriffs Substitute (Scotland) Act, 1875.	Sections 1 and 2.

Session and Chapter.	Short Title.	Extent of Repeal.
39 & 40 Vict. c. 70.	The Sheriff Courts (Scotland) Act, 1876.	Sections 4 to 25, both inclusive. Sections 27 to 34, both inclusive. Sections 46 to 52, both inclusive. Section 54, except in so far as it relates to commissary regulations. All the schedules.
40 & 41 Vict. c. 50.	The Sheriff Courts (Scotland) Act, 1877.	The whole Act.
52 & 53 Vict. c. 26.	The Small Debt Amendment (Scotland) Act, 1889.	Section 8.
61 & 62 Vict. c. 8.	The Sheriffs Tenure of Office (Scotland) Act, 1898.	The whole Act.

CHAPTER 52.

An Act to amend section seventy-eight of the Merchant Shipping Act, 1894, with respect to the deduction of the space occupied by propelling power in ascertaining the tonnage of a ship. [28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Restriction on deduction for space occupied by propelling power. 57 & 58 Vict. c. 60.

1. The deduction under section seventy-eight of the Merchant Shipping Act, 1894 (in this Act referred to as "the principal Act"), for the space occupied by the propelling power of a ship shall not in any case exceed fifty-five per cent. of that portion of the tonnage of the ship which remains after deducting from the gross tonnage any deductions allowed under section seventy-nine of the principal Act: Provided that—

(*a*) This section shall not apply to steam ships constructed for the purpose of towing vessels so long as they are exclusively employed as tugs, but if and when employed for the carriage of passengers, cargoes, or stores, or using graving docks or dry docks or places provided for the repairing of vessels, the register tonnage, on which dues based on register tonnage may be levied by any harbour or dock authority, shall be ascertained in manner provided by the Merchant Shipping Acts, 1894 to 1906, as amended by this Act; and

(*b*) This section shall not come into operation until the first day of January nineteen hundred and fourteen in the case of the following ships (in this Act referred to as existing ships), namely, ships constructed, or the construction of which has been commenced, before the first day of May nineteen hundred and seven, and ships a contract for the construction of which has been made before the first day of May nineteen hundred and seven, though the construction has not actually commenced before that date.

Saving for authorities having power to charge otherwise than on register tonnage.

2. Nothing in this Act shall affect any power which any dock or harbour authority have under any Act or Order confirmed by Parliament or having the effect of an Act of Parliament to charge tonnage rates, dues, or charges otherwise than on registered or register tonnage.

Provisions as to ships already registered.

3.—(1) Where, in ascertaining the tonnage of an existing ship, a deduction has been made for the space occupied by the propelling power of the ship greater than the maximum deduction allowed under this Act, the tonnage of the ship shall, before the date on which this Act comes into operation as respects that ship, be recalculated on the basis of allowing the maximum deduction under this Act instead of that previously allowed, and the necessary alteration of the particulars and certificate of the registry of the ship shall be made and shall take effect on that date.

(2) The registrar of every port of registry shall make any alteration in the particulars of the registry of any ship registered at that port, which is required for the purposes of this section, and shall send notice of the alteration so made to the managing owner of the ship.

(3) The managing owner of the ship, on the receipt of any such notice of alteration, shall forthwith transmit the notice to the master of the ship, and the master of the ship on receipt of the notice shall produce it to the registrar of the port at which the ship is when the notice is received, if that port is a port having a registrar, and, if not, to the registrar of the first port having a registrar at which the ship arrives after the notice is received, and the registrar shall alter the certificate of registry of the ship in accordance with the notice.

(4) If the managing owner or master of a ship fails to comply with the provisions of this section, the managing owner or master, as the case may be, shall be liable on summary conviction, in respect of each offence, to a fine not exceeding fifty pounds.

(5) The expression "managing owner" in this section includes any person registered under section fifty-nine of the principal Act in cases where there is no managing owner.

Short title construction, and commencement.

4. This Act may be cited as the Merchant Shipping Act, 1907, and shall be construed as one with the principal Act, and the Merchant Shipping Acts, 1894 to 1906, and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1907.

CHAPTER 53.

An Act to amend the Public Health Acts.

[28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

GENERAL.

Division of Act into Parts.

1. This Act is divided into Parts as follows:—

Part I.—General.
II.—Streets and buildings.
III.—Sanitary provisions.
IV.—Infectious diseases.
V.—Common lodging-houses.
VI.—Recreation grounds.
VII.—Police.
VIII.—Fire brigade.
IX.—Sky signs.
X.—Miscellaneous.

Short title, construction, and extent of Act.

2.—(1) This Act shall be construed as one with the Public Health Acts.

(2) Part I. of this Act shall extend to England and Wales and Ireland exclusive of the administrative County of London, and all or any of the remaining Parts or all or any of the sections thereof shall extend to any district to which all or any of those Parts or sections are applied by an Order of the Local Government Board or of the Secretary of State as the case may be.

(3) This Act may be cited as the Public Health Acts Amendment Act, 1907, and this Act and the Public Health Acts may together be cited as the Public Health Acts, 1875 to 1907.

(4) Any byelaws made under any enactment for which any provisions of this Act are substituted shall remain in force as if the byelaws had been made under the corresponding provisions of this Act.

(5) This Act shall come into operation on the first day of January one thousand nine hundred and eight.

Applications of Parts or section of Act.

3.—(1) The Local Government Board may, on the application of a local authority, by Order to be published in such manner as the Local Government Board direct, declare any Part or any section of this Act to be in force in the district of the local authority, or, where the local authority are a rural district council, in any contributory place within the district of the local authority, and may declare any enactments in any local Act, which appear to the Local Government Board to contain provisions similar to or inconsistent with any such Part or section, to be no longer in force in that district or contributory place.

(2) The local authority shall, two weeks at least before applying for an Order, give notice of their intention to make such application by advertising the same once at least in one or more of the newspapers circulating in their district in each of two successive weeks, and no order shall be made under this section until proof of such advertisement has been given to the satisfaction of the Local Government Board, and until at least one month has elapsed after the date of such advertisement.

(3) Any such Order may specify conditions subject to which any Part or any section of this Act shall be in force in the district or contributory place, and where, in the opinion of the Local Government Board, the circumstances so require, any such Order may, in relation to that district or contributory place, declare any Part or any section of this Act to be in force subject to such necessary adaptations as are specified in the Order.

A statement of the effect of each Order specifying conditions or adaptations as aforesaid shall be published in the London Gazette as well as in any other manner directed by the Local Government Board.

(4) In regard to Part VII. (Police), Part VIII. (Fire Brigade), and Part IX. (Sky Signs) of this Act, the Secretary of State shall be deemed to be substituted in this section for the Local Government Board.

Expenses of local authority.

4. All expenses incurred or payable by a local authority in the execution of this Act and not otherwise provided for may be charged and defrayed in the case of an urban sanitary authority or urban district council, as the case may be, as part of the expenses incurred by them in the execution of the Public Health Acts, and in the case of a rural district council shall, subject to any power of the Local Government Board under any Act to order the contrary, be charged and defrayed as a part of their general expenses under the Public Health Acts.

Enquiries by Local Government Board.

5.—(1) The Local Government Board may direct any enquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them under this Act, and the inspectors of the Local Government Board shall for the purposes of any such enquiry

have all such powers as they have for the purposes of enquiries directed by that Board under the Public Health Act, 1875.

(2) The local authority shall pay to the Local Government Board any expenses incurred by that Board in relation to any enquiries referred to in this section, including the expenses of any witnesses summoned by the inspector holding the enquiry, and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(3) The Secretary of State may order that a local enquiry be held in regard to the exercise of any powers conferred on him under this Act. The person holding any such enquiry shall receive such remuneration as the Secretary of State may determine, and that remuneration and the expenses of the local enquiry shall be paid by the local authority.

Legal proceedings, &c.

6. Offences under this Act or under any byelaw made under the powers of this Act or under the powers of the Public Health Act, 1875, or any enactment amending or extending that Act, may be prosecuted, and penalties, forfeitures, costs, and expenses recovered, in like manner and subject to the same provisions as offences which may be prosecuted, and penalties, forfeitures, costs, and expenses which may be recovered, in a summary manner under the Public Health Acts.

Appeals to quarter sessions, &c.

7.—(1) Except where this Act otherwise expressly provides any person aggrieved—

(*a*) By any order, judgment, determination, or requirement of a local authority under this Act;

(*b*) By the withholding of any order, certificate, licence, consent, or approval, which may be made, granted, or given by a local authority under this Act;

(*c*) By any conviction or order of a court of summary jurisdiction under any provision of this Act;

may appeal, in manner provided by the Summary Jurisdiction Acts, to a court of quarter sessions.

(2) Where any person deems himself aggrieved by the decision of the local authority in any case in which the local authority, under this Act, are empowered to recover in a summary manner any expenses incurred by them, or to declare the expenses to be private improvement expenses, section two hundred and sixty-eight of the Public Health Act, 1875, shall apply as it applies to cases under that Act, and subsection (1) of this section shall not apply in any such case, whether arising under the Public Health Act, 1875, or under this Act; but nothing in this subsection shall extend to any case in which an appeal to a court of summary jurisdiction in relation to any requirement of a local authority, or to any such expenses, is expressly authorised by this Act.

More than one sum in one summons.

8. Any information, complaint, warrant or summons made or issued for the purpose of this Act or of the Public Health Acts may contain in the body thereof or in a schedule thereto several sums.

Byelaws.

9. All the provisions with respect to byelaws contained in sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875, and any enactment amended or extended by those sections shall apply to all byelaws from time to time made by a local authority under the provisions of this Act, provided that the Secretary of State shall be the confirming authority for byelaws made under Part VII. (Police) of this Act.

Compensation, how determined.

10. Where any compensation, costs, damages or expenses is or are by this Act directed to be paid, and the method for determining the amount thereof is not otherwise provided for, such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

Powers of Act cumulative.

11. All powers given to a local authority under this Act shall be deemed to be in addition to and not in derogation of any other powers conferred upon such local authority by any Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not been passed.

Nothing in this Act shall exempt any person from any penalty to which he would have been liable if this Act had not been passed, but no person shall be liable, except in the case of a daily penalty, to more than one penalty in respect of the same offence.

Crown rights.

12. Nothing in this Act affects prejudicially any estate, right, power, privilege, or exemption of the Crown, and in particular nothing herein contained authorises any local authority to take, use, or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay, or estuary, or any land, hereditaments, subjects, or right of whatsoever description belonging to His Majesty in right of His Crown, and under the management of the Commissioners of Woods or of the Board of Trade respectively, without the consent in writing of the Commissioners of Woods or the Board of Trade, as the case may be, on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Interpretation.

13. In this Act, if not inconsistent with the context,—

The expression "local authority" means an urban sanitary authority, an urban district council, or a rural district council:

The expression "district of the local authority" means an urban sanitary district, an urban district, or a rural district:

The expression "daily penalty" means a penalty for each day on which an offence is continued after conviction therefor:

The expressions "lands," "premises," "owner," "street," "house," "drain," and "sewer" have respectively the same meaning as in the Public Health Acts:

The expressions "clerk," "medical officer," "surveyor," and "inspector of nuisances" mean the clerk, medical officer of health, surveyor, and inspector of nuisances respectively of the district of the local authority:

The expression "dairy" includes any farm, farmhouse, cowshed, milk store, milk shop, or other place from which milk is supplied or in which milk is kept for the purposes of sale within (unless otherwise expressed) the district of the local authority:

The expression "dairyman" includes any cowkeeper, purveyor of milk, or occupier of a dairy within (unless otherwise expressed) the district of the local authority:

52 & 53 Vict. c. 72.

The expression "infectious disease" means any infectious disease to which the Infectious Disease (Notification) Act, 1889, for the time being applies within the district of the local authority:

The expressions "the commencement of this Part" and "the commencement of this section" used in relation to any Part or section of this Act mean respectively the date at which, by an Order made by the Local Government Board, or by the Secretary of State as the case may be, in pursuance of this Act, and subject to any conditions or adaptations specified in that Order, the Part or section is declared to be in force:

Other expressions to which a special meaning is asssigned by the Public Health Act, 1875, have respectively the same meaning in this Act as they have in that Act.

Application of Act to Ireland.

14. In the application of this Act to Ireland the following modifications shall have effect:—

(1) This Act may be cited with the Public Health (Ireland) Acts, 1878 to 1900, as the Public Health (Ireland) Acts, 1878 to 1907:

(2) A reference to a place of abode in England shall be construed to be a reference to a place of abode in Ireland:

(3) The Local Government Board for Ireland shall be substituted for the Local Government Board:

(4) The Chief Secretary shall be substituted for the Secretary of State:

(5) The Department of Agriculture and Technical Instruction for Ireland shall be substituted for the Board of Agriculture and Fisheries:

(6) The Dublin Gazette shall be substituted for the London Gazette:

(7) A court of summary jurisdiction constituted in accordance with the provisions of section two hundred and forty-nine of the Public Health (Ireland) Act, 1878, shall be substituted for a petty sessional court : 41 & 42 Vict. c. 52.

(8) The Public Health (Ireland) Acts, 1878 to 1900, shall be substituted for the Public Health Acts, the Public Health (Ireland) Acts, 1878 to 1907, shall be substituted for the Public Health Acts, 1875 to 1907, and the Public Health (Ireland) Act, 1878, shall be substituted for the Public Health Act, 1875, and in particular references in this Act to the sections of the Public Health Act, 1875, mentioned in the first column of the schedule to this Act shall be construed as references to the corresponding sections of the Public Health (Ireland) Act, 1878, mentioned in the second column of that schedule :

(9) In subsection (2) of section seventy-four of this Act, the words "and the sanitary authority may" shall be substituted for the words "and the local authority may" :

(10) The provision with respect to section twenty-eight of the Town Police Clauses Act, 1847, shall extend to section seventy-two of the Towns Improvement (Ireland) Act, 1854. 10 & 11 Vict. c. 89. 17 & 18 Vict. c. 103.

Part II.

Streets and Buildings.

Deposit of plan to be of no effect after certain intervals.

15. The deposit of any plans or sections of any street or building, in pursuance of any byelaw in force in the district, may, by notice in writing to the person by whom the plans or sections have been deposited, be declared by the local authority to be of no effect if the work to which the plans or sections relate is not commenced—

As to plans and sections deposited before the commencement of this section, within three years from that date ;

As to plans and sections deposited on or after the commencement of this section, within three years of the deposit of the plans and sections.

When the deposit of any plans and sections has been declared to be of no effect, a fresh deposit shall be necessary before the work to which they relate is commenced.

The local authority shall give notice of the provisions of this section to every person intending to lay out a new street or erect a new building in relation to which plans and sections have been deposited before the commencement of this section, but the laying out of which street or erection of which building shall not have been commenced, and shall attach a similar notice to the approval of every such intended work in relation to which plans and sections have been deposited subsequent to the commencement of this section.

As to plans deposited with local authority.

16. The local authority may retain any drawings, plans, elevations, sections, specifications, and written particulars, descriptions or details, deposited with and approved by them in pursuance of any enactment for the time being in force in the district or of any byelaw thereunder.

Power to vary position or direction and to fix beginning and end of new streets.

17.—(1) The local authority may, on the deposit of a plan and sections of a new street in pursuance of a byelaw in force in the district, by order vary the intended position, direction or termination, or level of the new street so far as is necessary for the purpose of securing more direct, easier, or more convenient means of communication with any other street or intended street, or for the purpose of securing an adequate opening at either end of the new street, or of securing compliance with any enactment or byelaw in force in the district for the regulation of streets and buildings.

The local authority may also by their order fix the points at which the new street shall be deemed to begin or end, and the limits of the new street as determined by the points so fixed shall have effect for the purposes of the Public Health Acts, 1875 to 1907, and of any byelaws made under those Acts and in force within the district.

(2) The powers of the local authority under this section shall not be exerciseable in any case in which it is shown, to their satisfaction, that compliance with their order will entail the purchase of additional lands by the owner of the lands on which the new street is intended to be laid out, or the execution of works elsewhere than on those lands.

(3) Where the local authority make an order under this section a person shall not lay out or construct the new street otherwise than in compliance with the order. If any person acts in contravention of this provision, he shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding forty shillings.

(4) The local authority shall pay compensation to any person injuriously affected by the exercise by the local authority of their powers under this section.

Crossing for cattle, &c. over footways.

18. The provision and use of new means of access for any cattle, any beast of draught or burden, any waggon, cart, or other wheeled carriage exceeding four feet in width or two hundredweight in weight, to or from any premises fronting, adjoining, or abutting on any street which has become a highway repairable by the inhabitants at large, may, where that provision involves passage across or interference with any such part of the street as comprises a kerbed or paved footway, be allowed by the local authority subject to the following conditions (that is to say):—

(*a*) Every person who intends to provide the new means of access shall give notice in writing of his intention to the local authority, and shall at the same time submit,

for the approval of the local authority, a plan showing the position, gradient, and mode of construction of the intended means of access;

(*b*) When the plan, with or without amendment, has been approved by the local authority, the person may, upon receiving notice of their approval, proceed to execute the necessary works, but those works shall be executed under the supervision and to the reasonable satisfaction of the local authority, and in accordance with the plan as approved by the local authority;

(*c*) After the completion of the works the new means of access may be used, subject to the conditions which, in pursuance of any provisions of the law relating to highways, attach to the use for the like purpose of any carriageway forming part of a highway repairable by the inhabitants at large.

As to urgent repairs to private streets.

19.—(1) Where repairs are required in the case of any street, not being a highway repairable by the inhabitants at large, to obviate or remove danger to any passenger or vehicle in the street, the local authority may give notice in writing to the owners of the lands and premises fronting, adjoining, or abutting on the street, and may require the owners to execute, within a time to be specified in the notice, such repairs as are described in the notice.

(2) If, within the time specified in the notice, the repairs described in the notice are not executed, the local authority may execute the repairs, and may recover summarily, as a civil debt, the cost of the repairs so executed from the owners in default, and the amount recoverable from each owner shall be in the proportion which the extent of his lands and premises fronting, adjoining, or abutting on the street, bears to the total extent of all lands and premises so fronting, adjoining, or abutting.

(3) Where the name or place of abode of an owner cannot be found by the local authority, a copy of the notice shall be sent by post to or left with the occupier of the lands and premises to which the notice relates, or, if there be no such occupier, shall be affixed upon some conspicuous part of the lands and premises.

(4) In every case in which, within the time specified in the notice, the majority in number or rateable value of owners of lands and premises in the street, by a notice in writing, require the local authority to proceed, in relation to the street, under section one hundred and fifty of the Public Health Act, 1875, or, if the Private Street Works Act, 1892, is in force in the district, under that Act, the local authority shall so proceed; and where the local authority so proceed they shall, on the completion of the necessary works, forthwith declare the street to be a highway repairable by the inhabitants at large, and on and after the date of the declaration the street shall become a highway so repairable.

55 & 56 Vict. c. 57.

Recovery of damages caused to footways by excavations.

20. If the footway of any street repairable by the inhabitants at large be injured by or in consequence of any excavations or other works on lands adjoining thereto, the local authority may repair or replace the footway so injured, and all damages and expenses of or arising from such injury and repair or replacement shall be paid to the local authority by the owner of the lands on which such excavations or other works have been made, or by the person causing or responsible for the injury.

Power to alter names of streets.

21. The local authority may, with the consent of two-thirds in number and value of the ratepayers in any street, alter the name of such street or any part of such street. The local authority may cause the name of any street or of any part of any street to be painted or otherwise marked on a conspicuous part of any building or other erection.

Any person who shall wilfully and without the consent of the local authority, obliterate, deface, obscure, remove, or alter any such name, shall be liable to a penalty not exceeding forty shillings.

Buildings at corner of streets.

22. The local authority may require the corner of any building intended to be erected at the corner of two streets to be rounded off or splayed off to the height of the first storey or to the full height of the building, and to such extent otherwise as they may determine, and for any loss which may be sustained through the exercise of the powers by this section conferred upon the local authority they shall pay compensation.

What to be deemed new buildings.

23. For the purposes of this Act and the Public Health Acts, and any byelaws made thereunder, each of the following operations, namely:—

(*a*) The re-erection, wholly or partially, of any building of which an outer wall is pulled down or burnt down to or within ten feet of the surface of the ground adjoining the lowest storey of the building, and of any frame building so far pulled down or burnt down as to leave only the framework of the lowest storey;

(*b*) The conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only;

(*c*) The re-conversion into a dwelling-house of any building which has been discontinued as or appropriated for any purpose other than that of a dwelling-house;

(*d*) The making of any addition to an existing building by raising any part of the roof, by altering a wall, or making any projection from the building, but so far as regards the addition only; and

(*e*) The roofing or covering over of an open space between walls or buildings;

shall be deemed to be the erection of a new building.

Byelaws as to height of chimneys, &c.

24. Section one hundred and fifty-seven of the Public Health Act, 1875, shall be extended so as to empower the local authority to make byelaws—

with respect to the height of chimneys of buildings and with respect to the height of buildings; and

with respect to the structure of chimney shafts for the furnaces of steam engines, breweries, distilleries, or manufactories.

Section one hundred and fifty-eight of the Public Health Act, 1875, shall also be in force in every district in which this section is in force.

Yards to be paved, &c.

25. If any yard in connection with, and exclusively belonging to, a dwelling-house shall not be so formed, flagged, asphalted, or paved, or shall not be provided with such works on, above, or below the surface of the yard, as to allow of the effectual drainage of the subsoil or surface of the yard by safe and suitable means to a proper outfall, the local authority may, by notice in writing, require the owner of the dwelling-house, within twenty-one days after the service of the notice, to execute all such works as are necessary for the effectual drainage of the subsoil or surface of the yard to a proper outfall.

If, within the said period of twenty-one days, the owner has failed to complete the execution of the works specified in the notice, the local authority may execute the works, and may recover from the owner in a summary manner as a civil debt the expenses incurred by the local authority in the execution of the works.

Entrances to courts, &c. not to be closed.

26. After the commencement of this section the entrances to any court shall not, except with the consent of the local authority, be closed or narrowed or otherwise altered or affected by any permanent structure so as to impede the free circulation of air, and the height of any such entrance shall not, except with that consent, be lowered. The consent of the local authority under this section may be given, subject to compliance with such conditions as the local authority by their consent prescribe, with respect to the formation or provision of any other sufficient opening or means of access, or with respect to the provision of other sufficient means of securing free circulation of air throughout the court.

Nothing in this section shall have effect in relation to any court which by reason of its situation, use, architectural features, or other characteristics is, either wholly or in part, necessary for or ancillary to the ornament or amenity of any lands or premises.

Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

As to temporary buildings.

27.—(1) Before any person erects or sets up a temporary building he shall apply to the local authority for permission so to do.

The application shall be accompanied by a plan and sections of the proposed building drawn to a scale of not less than one inch to every eight feet, and a block plan, drawn to a convenient scale, showing the intended situation and surroundings of the proposed building, together with a specification describing the materials proposed to be used in the construction of the building, and the purpose for which the building is intended.

(2) The local authority shall, within one month after the delivery of the plans and sections and specification, signify in writing their approval or disapproval of the building to the person proposing to erect or set up the building.

(3) The local authority may attach to their approval any condition which they deem proper with regard to the sanitary arrangements of the building, the ingress thereto and the egress therefrom, protection against fire, and the period during which the building shall be allowed to stand.

(4) If any such building is begun, erected, or set up without such application accompanied by such plan, sections, and specification as this section requires, or after the disapproval of the local authority or before the expiration of one month without their approval, or is in any respect not in conformity with any condition attached by the local authority to their approval, the person who began, erected, or set up the building, or, if any such building is not removed within the period allowed by the local authority, the owner of the building shall for every such offence be liable to a penalty not exceeding forty shillings, and to a daily penalty not exceeding the like amount; and the local authority may cause the building to be pulled down or removed, and any expense incurred by them in and about the pulling down or removal of the building may, at their discretion, be recovered summarily as a civil debt from the owner of the building or from the person erecting or setting up the building.

(5) Where any such building is pulled down or removed by the local authority under the powers of this section the local authority may sell the materials or any part of the materials, and shall apply the proceeds of the sale in or towards payment of the costs and expenses incurred by them in relation to the pulling down or removal of the building, and shall pay the balance to the owner of the building.

(6) The following buildings shall be exempt from the operation of this section:—

(*a*) Any building expressly exempt from the operation of the Public Health Acts or the byelaws made under those Acts and in force for the time being within the district;

(*b*) Any building erected or set up for the purpose of protecting or of preventing the acquisition of rights to light;

(*c*) Any temporary building set up as part of the plant to be used in or about or in connection with the construction,

alteration, or repair of any building or other work; but so far as regards only so much of this section as relates to plans, sections, and specifications.

Removal of materials in streets.

28. The local authority may remove, appropriate, use, and dispose of all old materials existing in any street at the time of the execution by the local authority of any works in such street, unless the owners of buildings and lands in such street, within forty-eight hours after notice so to do served on them by the surveyor, remove such materials or their respective proportions thereof, and the local authority shall allow such sum as may be the reasonable value thereof to such owners for any materials which have been used or removed by the local authority, and in case of dispute the amount to be allowed shall be settled in the manner provided by the Public Health Act, 1875, with respect to compensation for damage sustained by reason of the exercise of any powers of that Act.

Deposit of building materials or excavations not to be made without consent.

29. It shall not be lawful for any person without the consent of the local authority in writing first obtained to lay any building materials, rubbish, or other thing, or make any excavation on or in any street repairable by the inhabitants at large, and when with such consent any person lays any building materials, rubbish, or other thing, or makes any excavation on or in any street, he shall, at his own expense, cause the same to be sufficiently fenced and a sufficient light to be fixed in a proper place on or near the same and to be continued every night from sunset to sunrise, and shall remove such materials, rubbish, or thing or fill up such excavation (as the case may be) when required by the local authority; and, if any person fails to comply in any respect with the requirements of this enactment, he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings, and the local authority may remove any such materials, rubbish, or thing, or fill up such excavation (as the case may be), and recover the expenses from the offender summarily as a civil debt.

Dangerous places to be repaired or enclosed.

30. With respect to the repairing or enclosing of dangerous places the following provisions shall have effect (namely):—

(1) If in any situation fronting, adjoining, or abutting on any street or public footpath, any building, wall, fence, steps, structure or other thing, or any well, excavation, reservoir, pond, stream, dam or bank is, for want of sufficient repair, protection, or enclosure dangerous to the persons lawfully using the street or footpath, the local authority may, by notice in writing served upon the owner, require him, within the period specified in the notice and herein-after in this section referred to as the "prescribed period," to repair, remove, protect, or enclose the same so as to prevent any danger therefrom:

(2) If, after service of the notice on the owner, he shall neglect to comply with the requirements thereof within

the prescribed period, the local authority may cause such works as they think proper to be done for effecting such repair, removal, protection, or enclosure, and the expenses thereof shall be payable by the owner, and may be recovered summarily as a civil debt.

Fencing lands adjoining streets.

31. If any land (other than land forming part of any common) adjoining any street is allowed to remain unfenced or if the fences of any such land are allowed to be or remain out of repair, and such land is, owing to the absence or inadequate repair of any such fence, a source of danger to passengers, or is used for any immoral or indecent purposes, or for any purpose causing inconvenience or annoyance to the public, the Local Government Board on the application of the local authority may by Order empower the local authority to proceed under this section, and, in that case, at any time after the expiration of fourteen days from the service upon the owner or occupier of notice in writing by the local authority requiring the land to be fenced or any fence of the land to be repaired, the local authority may cause the land to be fenced or may cause the fences to be repaired in such manner as they think fit, and the reasonable expenses thereby incurred shall be recoverable from such owner or occupier summarily as a civil debt.

Hoards to be securely erected.

32.—(1) A person shall not use any hoarding or similar structure which is in, or abuts on, or adjoins any street, for any purpose, unless it is securely fixed to the satisfaction of the local authority.

(2) If any person acts in contravention of this section he shall be liable, in respect of each offence, to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Exemption of buildings of railway companies and others.

33. Nothing in this Part or in any byelaws to be made under any enactment extended by this Part shall apply to a building (other than a dwelling-house) belonging to a railway company, or to any company or other public body authorised to construct, maintain, or improve a harbour, pier or dock, or to the owners of any canal or inland navigation, and used by the company, public body, or owners as a part of or in connection with their railway, harbour, pier, dock, canal or inland navigation.

PART III.

SANITARY PROVISIONS.

Extension of s. 41 of 38 & 39 Vict. c. 55.

34. Section forty-one of the Public Health Act, 1875, shall have effect as if for the words "(but not otherwise)" there were substituted the words "or where on the report in writing of their surveyor or inspector of nuisances the local authority have reason to suspect that any such drain, water-closet, earth-closet, privy, ashpit, or cesspool is a nuisance or injurious to health."

As to nuisances.

35. For the purposes of the Public Health Act, 1875—

(1) Any cistern used for the supply of water for domestic purposes so placed, constructed, or kept as to render the water therein liable to contamination, causing or likely to cause risk to health ;

(2) Any gutter, drain, shoot, stack-pipe, or down-spout of a building which by reason of its insufficiency or its defective condition shall cause damp in such building or in an adjoining building ; and

(3) Any deposit of material in or on any building or land which shall cause damp in such building or in an adjoining building so as to be dangerous or injurious to health ;

shall be deemed to be a nuisance within the meaning of the said Act.

Rain-water pipes not to be used as soil pipes.

36. No pipe used for the carrying off of rain water from any roof shall be used for the purpose of carrying off the soil or drainage from any privy or water closet. Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Water or stack pipes not to be used as ventilating shafts.

37. No water pipe, stack-pipe, or down-spout in existence at the commencement of this section, used for conveying surface water from any premises, shall be used or be permitted to serve or to act as a ventilating shaft to any drain. Any person who shall offend against this section after fourteen days from the service upon him by the local authority of notice of such offence shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Local authority may require old drains to be laid open for examination by surveyor before communicating with sewers.

38. Before any drain existing at the commencement of this section and then not communicating with any sewer of the local authority shall be made to communicate with any sewer of the local authority, the local authority may require the same to be laid open for examination by the surveyor, and no such communication shall be made until the surveyor shall certify that such drain may be properly made to communicate with such sewer.

Provision and conversion of closet accommodation.

39.—(1) In this section unless the context otherwise requires—

The expression "closet accommodation" includes a receptacle for human excreta, together with the structure comprising such receptacle and the fittings and apparatus connected therewith ;

The expression "pail closet" means closet accommodation including a moveable receptacle for human excreta ;

The expression "water-closet" means closet accommodation used or adapted or intended to be used in connection with the water carriage system, and comprising provision

for the flushing of the receptacle by means of a fresh water supply, and having proper communication with a sewer;

The expression "slop-closet" means closet accommodation used or adapted or intended to be used in connection with the water carriage system, and comprising provision for the flushing of the receptacle by means of slops or waste liquids of the household or rain water, and having proper communication with a sewer;

The expression "a sufficient water supply and sewer" means a water supply and a sewer which are sufficient and reasonably available for use in, or in connection with, the efficient flushing and cleansing of, and the efficient removal of excreta from such number of proper and sufficient water-closets and slop-closets, or from such one or more of either class of closet as, in pursuance of this section, may be required to be provided in any particular case.

(2) Within one month after the deposit of any plan by a person intending to erect a new building, the local authority, where there are a sufficient water supply and sewer, may by written notice to that person require the new building to be provided with such number of proper and sufficient water-closets and slop-closets, or with such one or more of either class of closet, as the circumstances of the case may render necessary.

Any person who fails to comply with any requirement of the local authority under this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) If, on the report of the medical officer or the surveyor or the inspector of nuisances, the local authority are satisfied that sufficient closet accommodation has not been provided at or in connection with a building, and the case is not one in which sufficient closet accommodation can be provided by the alteration of any existing closet accommodation in pursuance of this section, the local authority, where there are a sufficient water supply and sewer, may by written notice to the owner or owners of the building require the building to be provided with such number of proper and sufficient water-closets and slop-closets, or with such one or more of either class of closet, as the circumstances of the case may render necessary.

If the owner or owners of the building fail to comply with any requirement of the local authority under this subsection, the local authority may, at the expiration of a time which shall be specified in the notice and shall be not less than fourteen days after the service of the notice, do the work required by the notice, and may recover summarily as a civil debt from the owner or owners the expenses incurred by the local authority in so doing.

(4) The local authority, where there are a sufficient water supply and sewer, may by written notice to the owner or owners of a building require any existing closet accommodation (other

than a water-closet or a slop-closet) provided at or in connection with the building to be altered, so as to be converted into a water-closet or slop-closet.

If the owner or owners of the building fail to comply with any requirement of the local authority under this subsection, the local authority may, at the expiration of a time which shall be specified in the notice and shall not be less than fourteen days after the service of the notice, do the work required by the notice.

Where in pursuance of this subsection any work of alteration is done by the local authority in default of the owner or owners in respect of a pail closet, the expenses of the work shall be borne by the local authority, and where in pursuance of this subsection any work of alteration is done by the local authority in default of the owner or owners in respect of any existing closet accommodation other than a pail closet, one half of the expenses of the work shall be borne by the local authority, and the remainder of the said expenses shall be borne by the owner or owners and shall be recoverable summarily as a civil debt.

Every notice in pursuance of this subsection shall state the effect of the subsection.

(5) Nothing in this section shall have effect with respect to a slop-closet, unless or until the Local Government Board have been satisfied by the local authority, and have by order declared that the circumstances of the district of the local authority are such as to render it necessary or expedient that this section shall have effect with respect to a slop-closet.

Any order in pursuance of this subsection shall be published in such manner as the Local Government Board direct.

Payment for works of common benefit.

40.—(1) Where under section thirty-nine of this Act the local authority do any work for the common benefit of two or more buildings belonging to different owners, the expenses, which under that section are recoverable by the local authority from the owners, shall be paid by the owners of those buildings in such proportions as shall be determined by the surveyor, or in case of dispute by a petty sessional court.

Expenses.

(2) Any moneys expended by the local authority for the purposes of section thirty-nine of this Act shall, so far as they are not recoverable from the owner or owners, be part of the expenses of the local authority in the execution of the Public Health Act, 1875.

Private improvement expenses.

(3) The local authority may by order declare any expenses incurred by them under section thirty-nine of this Act, which are recoverable summarily as a civil debt from the owner or owners, to be expenses to which the provisions of section two hundred and fifty-seven of the Public Health Act, 1875, shall apply, and thereupon those provisions shall apply, with the necessary modifications, as if they were herein re-enacted and in terms made applicable to the said expenses.

Entry on premises.

41. Any person duly authorised in writing by the local authority shall, on production of his authorisation, be admitted into any premises for the purposes of section thirty-nine of this Act, and the provisions of sections one hundred and two and one hundred and three of the Public Health Act, 1875, shall, with the necessary modifications, apply to his admission.

Appeals.

42.—(1) Where any person deems himself aggrieved by any requirement of the local authority under section thirty-nine of this Act, or objects to the reasonableness of any expenses wholly or partially recoverable from him under that section, that person may, within fourteen days after the service of notice of the requirement or of a demand for payment of the expenses, appeal to a court of summary jurisdiction, and the court may make such order in the matter as to them may seem equitable, and the order so made shall be binding and conclusive on all parties:

Provided nevertheless that the right of appeal, subsequent to the service of a demand for payment, shall be restricted to the ground of the reasonableness of the amount of the expenses, and the appellant shall be precluded from raising at that stage any other question.

(2) Pending the decision of the court upon the appeal the local authority shall not be empowered to execute any works to which the notice relates, and any proceeding which may have been commenced for the recovery of the expenses shall be stayed.

Local authority may require removal or alteration of urinals.

43.—(1) If any urinal or other sanitary convenience opening on any street (whether erected before or after the commencement of this section) is so placed or constructed as to be a nuisance or offensive to public decency, the local authority, by notice in writing, may require the owner to remove it within a reasonable time fixed by the local authority.

(2) If the owner fails to comply with the notice, he shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

Urinals to be attached to refreshment houses, &c.

44.—(1) Where any inn, public-house, beer-house, eating-house, refreshment-house, or place of public entertainment, whether built before or after the commencement of this section, has no urinal belonging or attached thereto, the local authority may, by notice in writing, require the owner of the premises to provide and maintain thereon one or more proper and sufficient urinals in a suitable position.

(2) If the owner fails within a reasonable time to comply with a notice under this section, he shall be liable in respect of each offence to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

Testing of drains on report of defects.

45.—(1) If the medical officer, surveyor, or inspector of nuisances reports to the local authority that he has reasonable grounds for believing that any drains of any building are so defective as to be injurious or dangerous to health, the local

authority may authorise their medical officer, surveyor, or inspector of nuisances to apply the smoke or coloured water test, or other similar test (not including a test by water under pressure), to the drains, subject to the condition that either the consent of the owner or occupier of the building must be given to the application of the test, or an order of a court of summary jurisdiction having jurisdiction in the place where the building is situated must be obtained, authorising the application of the test.

(2) If on the application of the test the drains are found to be defective, the local authority may, by notice specifying generally the defect, require the owner of the premises to do all works necessary for remedying it within a reasonable time named in the notice, and if the owner fails so to do the work the local authority may themselves do the work, and the expense of so doing the work may either be recovered from the owner of the building summarily as a civil debt or may be declared by the local authority to be private improvement expenses, and may be recoverable accordingly.

(3) The owner and occupier of any building shall give all reasonable facilities for the application of any test which has been consented to or authorised in pursuance of this section, and, if the owner or occupier fails to do so, he shall be liable in respect of each offence to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Provision for filling up cesspools, &c.

46. If it shall appear to the local authority by the report of the medical officer, surveyor, or inspector of nuisances that any cesspool or other receptacle used or formerly used as a receptacle for excreta or other obnoxious matter, or for the whole or any part of the drainage of a house, or that any ashpit or any well or disused well belonging to any such house or part of a house is prejudicial to health, or otherwise objectionable for sanitary reasons, and that it is desirable that the same should be filled up or removed, or so altered as to remove any such objection as aforesaid, the local authority may, if they think fit, by notice in writing, require the owner or occupier of such house or part of a house within a reasonable time, to be specified in the notice, to cause such cesspool, receptacle, ashpit, or well to be filled up or removed, and any drain communicating therewith to be effectually disconnected, destroyed, or taken away, or to cause such cesspool, receptacle, ashpit, or well to be so altered as to remove any such objection as aforesaid.

Where it appears that any such cesspool, receptacle, ashpit, or well is used in common by the occupiers of two or more houses, or parts of houses, the notice for filling up or removal of any such cesspool, receptacle, ashpit, or well may be served on any one or more of the owners or occupiers of such houses, and it shall not be necessary to serve such notice on all such owners or occupiers.

If default is made in complying with the requisitions of a notice under this section the local authority may themselves carry out the requisitions, and may recover the expenses incurred by them in so doing from the owners or occupiers in default in a summary manner as a civil debt, or, where the owners are the persons liable, as private improvement expenses are recoverable under the Public Health Acts.

Public conveniences and lavatories.

47. The local authority may provide and maintain in proper and convenient situations sanitary conveniences in or under any street repairable by the inhabitants at large, and may provide and maintain in proper and convenient situations lavatories in or under any such street for the use of the public, and may employ and pay attendants and make reasonable charges for the use of any sanitary conveniences (other than a urinal) or of any lavatory so provided. The local authority may make byelaws for the management of the sanitary conveniences and lavatories, and as to the conduct of persons frequenting the same.

The local authority may let any such sanitary conveniences and any such lavatories for such periods, at such rents, and subject to such conditions as to the charges to be made for the use thereof and otherwise, as they think proper.

Removal of trade refuse.

48. If the local authority are required by the owner or occupier of any premises to remove any trade refuse (other than sludge), the local authority shall do so, and the owner or occupier shall pay to them for doing so a reasonable sum, to be settled in case of dispute by order of a court of summary jurisdiction; and if any question arises in any case as to what is to be considered as trade refuse, that question may be decided on the complaint of either party by a court of summary jurisdiction, whose decision shall be final.

Summary power to provide sinks and drains for buildings.

49. In addition to all other powers vested in a local authority, the local authority, if it shall appear to them on the report of the surveyor, medical officer, or inspector of nuisances, that any building built before or after the commencement of this section of this Act is not provided with a proper sink or drain or other necessary appliances for carrying off refuse water from such building, may give notice in writing to the owner or occupier of such building requiring him in the manner and within the time to be specified in such notice, not being less than twenty-eight days, to provide such sink, drain, or other appliances. If the owner or occupier makes default in complying with such requirement to the satisfaction of the local authority within the time specified in such notice, he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings, and in case of default the local authority may, if they think fit, themselves provide such sink, drain, or other appliances, and the expenses incurred by them in so doing shall be repaid to them by such owner or occupier, and may be recovered summarily as a civil debt.

Local authority may provide an ambulance.

50. The local authority may provide and maintain an ambulance for use in any case of accident, or other sudden or urgent disability, together with suitable attendants, and means of traction, and other requisites; and may allow the ambulance to be used by any other local authority or person subject to such terms and conditions as may be agreed upon.

Power to declare a business to be an offensive business.

51.—(1) The words "any other trade, business, or manufacture, which the local authority declare by order confirmed by the Local Government Board, and published in such manner as the Board direct, to be an offensive trade," shall be substituted for the words "any other noxious or offensive trade, business, or manufacture," in section one hundred and twelve of the Public Health Act, 1875.

(2) The local authority may make byelaws with respect to any trade which is an offensive trade under section one hundred and twelve of the Public Health Act, 1875, as amended by this Act, whether established before or after the commencement of this Act, in order to prevent or diminish any noxious or injurious effects of the trade. Business established before "Order" made is not affected by it. Butterworth's Hide Wool Co v Saucaubo 1913 2KB 401.

Part IV.

Infectious Diseases.

Infected person not to carry on occupation.

52.—(1) If any person knows that he is suffering from an infectious disease, he shall not engage in any occupation or carry on any trade or business unless he can do so without risk of spreading the infectious disease.

(2) If any person acts in contravention of this section, he shall be liable in respect of each offence to a penalty not exceeding forty shillings.

Power to require dairymen to furnish list of sources of supply.

53.—(1) If the medical officer certifies to the local authority that any person in the district is suffering from infectious disease which the medical officer has reason to suspect is attributable to milk supplied within the district, the local authority may require the dairyman supplying the milk to furnish to the medical officer within a reasonable time fixed by them a complete list of all the farms, dairies, or places from which his supply of milk is derived or has been derived during the last six weeks, and, if the supply, or any part of it, is obtained through any other dairyman, may make a similar requisition upon that dairyman.

(2) The local authority shall pay to the dairyman for every list furnished by him under this section the sum of sixpence, and, if the list contains not less than twenty-five names, a further sum of sixpence for every twenty-five names contained in the list.

(3) Every dairyman shall comply with the requisition of the local authority under this section, and, if he fails to do so, shall be liable in respect of each offence to a penalty not exceeding five pounds and a daily penalty not exceeding forty shillings.

Dairymen to notify infectious diseases existing among their servants.

54.—(1) Every dairyman supplying milk within the district of the local authority from premises whether within or beyond the district aforesaid shall notify to the medical officer all cases of infectious disease among persons engaged in or in connection with his dairy, as soon as he becomes aware or has reason to suspect that such infectious disease exists.

(2) Any dairyman who shall fail to comply with this section shall for every such offence be liable to a penalty not exceeding forty shillings.

Infected clothes not to be sent to laundry.

55.—(1) A person shall not take or send to any public washhouse or to any laundry, for the purpose of being washed, any bedding, clothes, or other things which he knows to have been exposed to infection from any infectious disease, unless they have been disinfected by or to the satisfaction of the local authority or their medical officer, or of a legally qualified medical practitioner, or are sent to a laundry with proper precautions for the purpose of disinfection, with notice that they have been exposed to infection.

(2) If any person acts in contravention of the foregoing provision of this section he shall be liable in respect of each offence to a penalty not exceeding forty shillings.

(3) The local authority may, on the application of any person, pay the expenses of the disinfection of any such bedding, clothes, or other things, if carried out by them or under their direction.

Filthy and dangerous articles to be purified.

56. Where the local authority on the certificate of the medical officer are satisfied that the cleansing, purification, or destruction of any article in a dwelling-house is, by reason of the filthy condition of the article, necessary to prevent injury or to remove or obviate risk of injury to the health of any person in the dwelling-house, the local authority may cause the article to be cleansed, purified, or destroyed at their expense.

Where a person sustains damage in consequence of the exercise by the local authority of their powers under this section, and the condition of the article with respect to which those powers have been exercised is not attributable to his act or default, the local authority shall make reasonable compensation to that person.

Child suffering from infectious disease not to attend school.

57.—(1) No person being the parent or having the care or charge of a child within the district of the local authority who is or has been suffering from infectious disease or has been exposed to infection shall, after a notice from the medical officer that the child is not to be sent to school, permit such child to attend school without having procured from the medical officer a certificate (which shall be granted free of charge upon application) that in his opinion such child may attend without undue risk of communicating such disease to others.

(2) Any person who shall offend against this section shall for every such offence be liable to a penalty not exceeding forty shillings.

List of scholars to be furnished where scholar in a school is suffering from an infectious disease.

58.—(1) The principal of a school in which any scholar is suffering from an infectious disease shall, if required by the local authority, furnish to them within a reasonable time fixed by them a complete list of the names and addresses of the scholars in or attending at the school or any specified department thereof other than boarders.

(2) The local authority of the district shall pay to the principal of the school for every list furnished by him under this section the sum of sixpence, and, if the list contains not less than twenty-five names, a further sum of sixpence for every twenty-five names contained in the list.

(3) If the principal of a school fails to comply with any of the provisions of this section he shall be liable in respect of each offence to a penalty not exceeding forty shillings.

(4) In this section the expression "the principal" used in relation to a school means the person in charge of the school, and includes, where the school is divided into departments and there is no single person at the head of the whole school, as respects each department the head of that department.

Provisions as to library books.

59.—(1) If any person knows that he is suffering from an infectious disease he shall not take any book or use or cause any book to be taken for his use from any public or circulating library.

(2) A person shall not permit any book which has been taken from a public or circulating library, and is under his control, to be used by any person whom he knows to be suffering from an infectious disease.

(3) A person shall not return to any public or circulating library any book which he knows to have been exposed to infection from any infectious disease, or permit any such book which is under his control to be so returned, but shall give notice to the local authority that the book has been so exposed to infection, and the local authority shall cause the book to be disinfected and returned to the library, or to be destroyed.

(4) The local authority shall pay to the proprietor of the library from which the book is procured the value of any book destroyed under the power given by this section.

(5) If any person acts in contravention of or fails to comply with this section, he shall be liable in respect of each offence to a penalty not exceeding forty shillings.

Local authority may pay expenses of person in hospital.

60. Nothing in section one hundred and thirty-two of the Public Health Act, 1875, with respect to the recovery of the cost of maintenance in a hospital, shall require the local authority to recover the cost of maintenance from a patient who is not a pauper where the local authority have satisfied themselves that the circumstances of the case are such as to justify the remission of the debt.

Removal of person from infected premises.

61.—(1) The local authority may exercise the powers of section fifteen of the Infectious Disease (Prevention) Act, 1890, whether that section has or has not been adopted in the district,

and, where the local authority so determine, those powers may be exercised for providing temporary shelter or house accommodation with any necessary attendants for any person who, in any case to which this section applies, leaves a house after any infectious disease has appeared therein, and the local authority may borrow, subject to the provisions of the Public Health Acts, for the purpose of providing shelter or house accommodation under section fifteen of the Infectious Disease (Prevention) Act, 1890, or under this section.

Where the local authority in pursuance of the aforesaid powers have provided a temporary shelter or house accommodation, they may, on the appearance of any infectious disease in a house, and on the certificate of the medical officer, cause any person who is not himself sick and who consents to leave the house, or whose parent or guardian (where the person is a child) consents to his leaving the house, to be removed therefrom to any such temporary shelter or house accommodation, and in the like case on the like certificate may cause any such person who does not consent to leave the house to be removed therefrom to any such temporary shelter or house accommodation, where two justices, on the application of the local authority and on being satisfied of the necessity of the removal, make an order for the removal, subject to such conditions (if any) as are imposed by the order.

The local authority shall in every case cause the removal to be effected and the conditions of any order to be satisfied without charge to the person removed or to the parent or guardian of that person.

(2) Any person who wilfully disobeys or obstructs the execution of an order under this section shall be liable to a penalty not exceeding five pounds.

(3) For the purpose of this section the word "house" includes any tent, van, shed, or similar structure used for human habitation or any boat lying in any canal or other water within the district of the local authority and used for the like purpose.

Amendment of s. 126 of 38 & 39 Vict. c. 55.

62. Paragraph two of section one hundred and twenty-six of the Public Health Act, 1875 (which imposes a penalty on the exposure of infected persons and things), shall be read as if the words "or causes or permits such sufferer to be so exposed" were added after the word "sufferer."

Prohibiting conveyance of infected persons in public vehicles.

63. The owner or driver of a public vehicle within the district of the local authority used for the carrying of passengers at separate fares shall not knowingly convey, or any other person shall not knowingly place, in any such public vehicle a person suffering from any infectious disease, or a person suffering from any such disease shall not enter any such vehicle, and every person who shall offend against this section shall for every such offence be liable to a penalty not exceeding forty shillings.

Driver, &c. of infected person to give notice.

64.—(1) If any person suffering from any infectious disease is conveyed in any public vehicle within the district of the local

authority, the owner or driver thereof as soon as it comes to his knowledge shall give notice to the medical officer, and shall cause such vehicle to be disinfected, and, if he fails so to do, he shall be liable to a penalty not exceeding five pounds, and the owner or driver of such vehicle shall be entitled to recover in a summary manner from the person so conveyed, or from the person causing that person to be so conveyed, a sufficient sum to cover any loss and expense incurred by him in connection with such disinfection.

(2) It shall be the duty of the local authority when so requested by the owner or driver of such public vehicle to provide for the disinfection of the same free of charge, except in cases where the owner or driver conveyed a person knowing that he was suffering from infectious disease.

Section 124 of 38 & 39 Vict. c. 55. to apply to persons who cannot be isolated.

65. Section one hundred and twenty-four of the Public Health Act, 1875, shall extend and apply to all cases of persons suffering from any dangerous infectious disease, and being in or upon any house or premises where such persons cannot be effectually isolated so as to prevent the spread of the disease.

Cleansing and disinfecting of premises, &c.

66.—(1) If the medical officer, or any other legally qualified medical practitioner certifies that the cleansing and disinfecting of any house, or part of a house, and of any articles therein likely to retain infection, or the destruction of those articles would tend to prevent or check any dangerous infectious disease the local authority shall serve notice on the master, or, where the house or part is unoccupied, on the owner of the house or part, that the house or part, and any such articles therein, will be cleansed and disinfected, or (as regards the articles) destroyed, by the local authority unless he informs the local authority within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the house or part and any such articles, or destroy the articles to the satisfaction of the medical officer or of any other legally qualified medical practitioner within a time fixed in the notice.

(2) If either—

(*a*) Within twenty-four hours from the receipt of the notice the person on whom the notice is served does not inform the local authority as aforesaid ; or,

(*b*) Having so informed the local authority, he fails to have the house or part thereof and any such articles disinfected, or the articles destroyed as aforesaid, within the time fixed in the notice ; or

(*c*) The master or owner without any such notice gives his consent ;

the house or part and articles shall be cleansed and disinfected, or the articles destroyed by the officers and at the cost of the local authority under the superintendence of the medical officer.

(3) For the purpose of carrying into effect this section the local authority may enter by day on any premises.

(4) When the local authority have disinfected any house, part of a house, or article, under the provisions of this section, they shall compensate the master or owner of the house, or part of a house, or the owner of the article, for any unnecessary damage thereby caused to the house, part of a house, or article; and when the local authority destroy any article under this section they shall compensate the owner thereof, and the amount of any such compensation shall be recoverable in a summary manner.

(5) The expression "master" means the person in occupation of or having the charge, management, or control of the house or part of a house, and where the house is wholly let out in separate tenements, or is a lodging-house wholly let to lodgers, includes the person receiving the rent payable by the tenants or lodgers, either on his own account or as the agent of another person; and the expression "by day" means during the period between six o'clock in the morning and the succeeding nine o'clock in the evening.

Provision of nursing attendance by local authority.

67.—(1) The local authority may provide nurses for attendance on patients suffering from any infectious disease in their district who, owing to want of accommodation at the hospital or danger of infection, cannot be removed to the hospital, or in cases where removal to the hospital is likely to endanger the patients' health.

(2) The local authority may charge such reasonable sums for the services of nurses provided by them as they think fit.

(3) Nothing in this section shall be deemed to take away or diminish the necessity of providing proper hospital accommodation for persons suffering from infectious disease.

Wake not to be held over body of person dying of infectious disease.

68. It shall not be lawful to hold any wake over the body of any person who has died of infectious disease, and the occupier of any house or premises or part of a house or premises who permits or suffers any such wake to take place in such house or premises, or part of a house or premises, and every person who attends to take part in such wake shall be liable to a penalty not exceeding forty shillings.

Part V.

Common Lodging-Houses.

Discretion as to registration of lodging-house keeper. 38 & 39 Vict. c. 55.

69.—(1) The local authority may, at their discretion, refuse to register any person as a common lodging-house keeper, unless they are satisfied of his character and of his fitness for the position.

(2) The registration of a person as a common lodging-house keeper shall, if that person is newly registered after the commencement of this section, remain in force only for such time not exceeding one year as may be fixed by the local authority, but may be renewed from time to time by the local authority.

Obligation on common lodging-house keeper to provide for proper control of his house.

70.—(1) Either the keeper of a common lodging-house or a deputy registered under this Act shall manage and control the lodging-house and exercise supervision over those using it, and either the keeper or the deputy so registered shall be and remain at the lodging-house between the hours of nine in the evening and six in the morning of the following day.

(2) If any provision of this section is not complied with in the case of any common lodging-house, the keeper of the house shall, unless he shows to the court that there was a reasonable excuse for the non-compliance, be liable in respect of each offence to a penalty not exceeding forty shillings, and to a daily penalty not exceeding twenty shillings.

Deputy lodging-house keepers.

71.—(1) The local authority shall keep a register for the purposes of this section, and shall enter therein the name of any person whose name is submitted to them by a common lodging-house keeper as his deputy, and who is approved by them for the purpose.

(2) The local authority may register more than one deputy for any common lodging-house keeper.

(3) The local authority, if at any time they are of opinion that any person registered as a deputy of a common lodging-house keeper is not a fit person for the purpose, may cancel the registration.

Power of court convicting common lodging-house keeper to cancel registration.

72. Where the keeper of a common lodging-house is convicted of any offence against any provision of the Public Health Acts or this Act relating to common lodging-houses, or of any byelaw made thereunder, the court before whom he is convicted may cancel his registration as a common lodging-house keeper, and he shall cease to be registered accordingly.

Unregistered lodging-house keepers liable to penalties under section 86 of 38 & 39 Vict. c. 55.

73. If a person keeps a common lodging-house he shall, although he is not registered as a common lodging-house keeper under section seventy-seven of the Public Health Act, 1875, be liable to the penalties imposed under section eighty-six of that Act for the offences named therein.

Provision of proper sanitary conveniences in a common lodging-house.

74.—(1) Every common lodging-house, whether registered before or after the commencement of this section, shall be provided—

(*a*) With sufficient and suitable sanitary conveniences, having regard to the number of persons who may be received in that house, and also, where persons of both sexes are received in the common lodging-house, with proper separate accommodation for persons of each sex; and

(*b*) With a water supply laid on sufficient for flushing any water-closets or urinals which are used in the house.

(2) If it appears to the local authority that, in the case of any common lodging-house, default is made in any respect in complying with the provisions of this section, the local authority, may, by notice in writing specifying the default, require the keeper of the common lodging-house to remedy the default.

(3) If within twenty-eight days of the notice being served the default is not remedied to the satisfaction of the local authority, they may themselves do the work required to be done, and may recover in a summary manner from the keeper of the common lodging-house the expenses incurred by them in so doing, or may by order declare these expenses to be private improvement expenses.

Notice of commencement of Part V. and repeal.

75.—(1) At a time not less than one month before the commencement of this Part of this Act the local authority shall give notice of the fact to the keeper of every common lodging-house in their district.

(2) On and after the commencement of this Part of this Act section seventy-eight from the words "and the local authority may" to the end of the section, and section eighty-eight of the Public Health Act, 1875, shall be repealed as far as relates to the district.

PART VI.

RECREATION GROUNDS.

Powers as to parks and pleasure gardens.

76.—(1) The Local Government Board, for the purposes of this section, may make rules prescribing restrictions or conditions subject to which any powers conferred by the section shall with respect to any area in a public park or pleasure ground be exerciseable in relation to the enclosure or setting apart of the area, or in relation to the use of the area as the site of a building or convenience.

Subject to the restrictions or conditions prescribed by rules made under this section, the local authority shall, in addition to any powers under any general Act, have the following powers with respect to any public park or pleasure ground provided by them or under their management and control, namely, powers—

(*a*) To enclose during time of frost any part of the park or ground for the purpose of protecting ice for skating, and charge admission to the part inclosed, but only on condition that at least three-quarters of the ice available for the purpose of skating is open to the use of the public free of charge;

(*b*) To set apart any such part of the park or ground as may be fixed by the local authority, and may be described in a notice board affixed or set up in some conspicuous position in the park or ground for the purpose of cricket, football, or any other game or recreation, and to exclude the public from the part set apart while it is in actual use for that purpose;

(*c*) To provide any apparatus for games and recreations, and charge for the use thereof, or let the right of providing any such apparatus for any term not exceeding three years to any person;

(*d*) To provide or contribute towards the expenses of any band of music to perform in the park or ground;

(*e*) To enclose any part of the park or ground, not exceeding one acre, for the convenience of persons listening to any band of music, and charge admission thereto;

(*f*) To place, or authorise any person to place, chairs or seats in any such park or ground, and charge for, or authorise any person to charge for, the use of the chairs so provided;

(*g*) To provide and maintain any reading rooms, pavilions, or other buildings and conveniences, and to charge for admission thereto, subject in the case of reading rooms to the limitation that such a charge shall not be made on more than twelve days in any one year, nor on more than four consecutive days;

(*h*) To let any pavilion or other building so provided by them to any person for the purpose of entertainments, and authorise that person to charge for admission thereto;

(*i*) To provide and maintain refreshment rooms in any such park, and either manage them themselves, or, if they think fit, let them to any person for any term not exceeding three years.

(2) Any expenses of the local authority incurred in the exercise of the powers given to them by this section shall be defrayed out of the fund or rate out of which the expenses of the park or ground, as to which the powers are exercised, are payable, and any receipts arising from the exercise of any such powers shall be carried to the credit of the same fund or rate.

(3) The expenses incurred by the council in the exercise of their power under this section to provide or contribute to a band shall not in any one year exceed an amount equal to that which would be produced by a rate of an amount which shall be approved by the Local Government Board, and shall not exceed a penny on the property liable to be assessed for the purpose of the rate out of which the expenses of the park or ground are payable, as assessed for the time being for the purposes of that rate.

(4) No power given by this section shall be exercised in such a manner as to contravene any covenant or condition subject to which a gift or lease of a public park or pleasure ground has been accepted or made, without the consent of the donor, grantor, lessor, or other person or persons entitled in law to the benefit of such covenant or condition.

Power to appoint officers.

77. The local authority may appoint officers for securing the observance of this Part of this Act, and of the regulations and byelaws made thereunder, and may procure such officers to be sworn in as constables for that purpose, but any such officer shall not act as a constable unless in uniform or provided with a warrant.

PART VII.

POLICE.

Regulations as to street traffic

78. The local authority may from time to time make regulations with respect to such streets, to be specified in the regulations, as are specially liable to be obstructed by reason of the amount and nature of the traffic :—

(*a*) Prescribing the line to be kept at any street crossing by all persons riding or driving ;

(*b*) Requiring the drivers of heavy and slow-moving vehicles to keep their vehicles to a particular portion of the street.

All regulations under this section shall be subject to the approval of the Secretary of State.

Any person who shall contravene any such regulation, after warning given by word or signal by a police constable stationed in the street to direct the traffic, shall be liable to a penalty not exceeding forty shillings.

Dangerous riding and driving.

79. Every person who shall ride or drive so as to endanger the life or limb of any person or to the common danger of the passengers in any thoroughfare shall be liable to a penalty not exceeding forty shillings and may be arrested without warrant by any constable who witnesses the offence.

As to leading or driving animals.

80. The local authority may, by order, prescribe the streets in which, and the manner according to which, the leading or driving of animals shall be permitted within their district, provided that the route or routes which it shall be lawful for the local authority so to prescribe shall not be such as would prevent the passage of cattle between any market on the one hand, and any railway station or landing wharf in the district or any place beyond the district on the other hand, when such animals are merely passing between such market and railway station, landing wharf, or other place aforesaid, and the local authority shall be bound to allow at all times a reasonably short and efficient route or routes for the passage of such animals. Provided also that any such order shall only operate between the hours of nine in the morning and nine in the evening, and shall not prevent the owner of any animals driving the same to or from his own premises, and nothing in this enactment contained shall authorise the local authority to interfere with the leading or driving of any animals to any duly licensed slaughter-house.

Extending definition of public place and street for certain purposes. 5 Geo. 4. c. 83.

81. Any place of public resort or recreation ground belonging to, or under the control of, the local authority, and any unfenced ground adjoining or abutting upon any street in an urban district shall for the purpose of the Vagrancy Act, 1824, and of any Act for the time being in force altering or amending the same, be deemed to be an open and public place, and shall be

deemed to be a street for the purposes of section twenty-nine of the Town Police Clauses Act, 1847, and also for the purposes of so much of section twenty-eight of that Act as relates to the following offences:— 10 & 11 Vict. c. 89.

Every person who suffers to be at large any unmuzzled ferocious dog, or urges any dog or other animal to attack, worry, or put in fear any person or animal:

Every person who rides or drives furiously any horse or carriage, or drives furiously any cattle:

Every common prostitute or night walker loitering and importuning passengers for the purpose of prostitution:

Every person who wilfully and indecently exposes his person:

Every person who publicly offers for sale or distribution, or exhibits to public view, any profane, indecent, or obscene book, paper, print, drawing, painting, or representation, or sings any profane or obscene song or ballad, or uses any profane or obscene language:

Every person who wantonly discharges any firearm or discharges any missile or makes any bonfire:

Every person who throws or lays any dirt, litter, ashes, or night soil, or any carrion, fish, offal, or rubbish, on any street.

Byelaws as to sea-shore.

82. The local authority for the prevention of danger, obstruction, or annoyance to persons using the sea-shore may make and enforce byelaws to—

(1) Regulate the erection or placing on the sea-shore, or on such part or parts thereof as may be prescribed by such byelaws, of any booths, tents, sheds, stands, and stalls (whether fixed or movable), or vehicles for the sale or exposure of any article or thing, or any shows, exhibitions, performances, swings, roundabouts, or other erections, vans, photographic carts, or other vehicles, whether drawn or propelled by animals, persons or any mechanical power, and the playing of any games on the seashore, and generally regulate the user of the seashore for such purposes as shall be prescribed by such byelaws;

(2) Regulate the user of the seashore for riding and driving;

(3) Regulate the selling and hawking of any article, commodity, or thing on the seashore;

(4) Provide for the preservation of order and good conduct among persons using the seashore. Provided that no byelaws affecting the foreshore below high-water mark shall come into operation until the consent of the Board of Trade has been obtained.

Byelaws as to promenades.

83. The local authority may, for the prevention of danger, obstruction, or annoyance to persons using the esplanades or promenades within the district, make byelaws prescribing the nature of the traffic for which they may be used, regulating

the selling and hawking of any article, commodity, or thing thereon, and for the preservation of order and good conduct among the persons using the same.

Licences to porters.

84.—(1) The local authority may from time to time grant to any person whom they think fit a licence to carry on the calling of a luggage porter, light porter, public messenger, or commissionaire, and may charge a fee of one shilling for any such licence.

(2) The local authority may from time to time make byelaws for regulating the conduct of any persons so licensed and for fixing the charges to be made by them.

(3) Every such licence may be granted for a year or for any less period according as the local authority may think fit, and may be suspended or revoked or endorsed by the local authority for a breach of such byelaws or whenever they shall deem such suspension or revocation or endorsement to be necessary or desirable in the interests of the public: Provided that the existence of this power to suspend or revoke or endorse a licence shall be plainly set forth in the licence itself.

(4) Every such licence whensoever issued shall expire on the thirty-first day of March next following the date of its issue, and may contain conditions as to the badge which the holder of any such licence shall wear.

(5) If any person while unlicensed represents himself to be licensed, or wears any badge for the purpose of representing himself as licensed to carry on any of the callings specified in this section, he shall be liable to a penalty not exceeding twenty shillings.

Registries for servants.

85.—(1) Every person who shall carry on, for the purpose of private gain, the trade or business of keeper of a female domestic servants' registry shall register his name and place of abode, and also the premises in which such trade or business is carried on, in a book to be kept at the offices of the local authority for the purpose.

(2) The local authority may make byelaws prescribing the books to be kept and the entries to be made therein, and any other matter which the local authority may deem necessary for the prevention of fraud or immorality in the conduct of such trade or business, and for regulating any premises used for the purposes of or in connection with such trade or business.

(3) The person registered shall keep a copy of the byelaws made by the local authority under this section hung up in a conspicuous place in the registered premises.

(4) Any officer of the local authority or other person duly authorised in writing in that behalf by the local authority, and if so required exhibiting his authority, shall at all reasonable times be afforded by the person registered full and free power of entry into the registered premises for the purpose of inspecting the registered premises and the books required to be kept by such person.

(5) Any person carrying on such trade or business as aforesaid whose name, place of abode, and premises in which such trade or business is carried on have not been registered in accordance with subsection one of this section, or whose registration has been cancelled or suspended as herein-after provided, or acting in contravention of any of the provisions of this section or of any byelaw made thereunder, shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings, and the court may (in lieu of or in addition to imposing a penalty) order the suspension or cancellation of the registration.

(6) The local authority shall give public notice of the provisions of this section by advertisement in two newspapers circulating in the district, and by handbills and otherwise in such manner as they think sufficient.

As to dealers in old metal and marine stores.

86.—(1) Every person who shall carry on business as a dealer in old metal or as a marine store dealer shall register his name and place of abode and every place of business, warehouse, store, and place of deposit occupied or used by him for the purpose of such business, in a book to be kept for the purpose at the offices of the local authority.

(2) Every person carrying on business as aforesaid shall correctly enter in a book to be kept by him for that purpose the description and price of all articles purchased or otherwise acquired by him, and the name, address, and occupation of the person from whom the same were purchased or otherwise acquired.

(3) Every person who shall carry on such business without having so registered or without keeping such book and making such entries as required by this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) Any officer of the local authority or other person duly authorised in writing in that behalf by the local authority, and if so required exhibiting his authority, shall have free access at all reasonable times to every such place of business, warehouse, store, and place of deposit, to inspect the same and the books by this section required to be kept, and every person who shall prevent, hinder, or obstruct any officer or person so authorised in the execution of his duty under this subsection shall be liable to a penalty not exceeding five pounds.

(5) The local authority shall give public notice of the provisions of this section by advertisement in two newspapers circulating in the district, and by handbills and otherwise in such manner as they think sufficient.

Part VIII.

Fire Brigade.

Power to police constable to enter and

87. Any police constable acting under the orders of his superior officer, and any member of the fire brigade of the local

break open premises in case of fire.

authority being on duty, and any officer of the local authority, may enter and if necessary break into any building in the district being or reasonably supposed to be on fire, or any building or land adjoining or near thereto, without the consent of the owner or occupier thereof respectively, and may do all such acts and things as they may deem necessary for extinguishing fire in any such building or for protecting the same or rescuing any person or property therein from fire.

Power to police officer to control street traffic at fires.

88. The officer in charge of the police at any fire in the district shall have power to stop or regulate the traffic in any street whenever in his opinion it is necessary or desirable to stop or regulate such traffic for the purpose of extinguishing the fire or for the safety or protection of life or property, and any person who wilfully disobeys any order given by such officer in pursuance of this section shall be liable to a penalty not exceeding five pounds.

Captain of fire brigade or other officer to have control of operations.

89. The captain or superintendent of the fire brigade of the local authority, or other officer of such fire brigade for the time being in charge of the engine or other apparatus for extinguishing fires, attending at any fire within the district shall from the time of his arrival and during his presence thereat have the sole charge and control of all operations for the putting out of such fire, whether by the fire brigade of the local authority or any other fire brigade, including the fixing of the positions of fire engines and apparatus, the attaching of hose to any water pipes or water supply, and the selection of the parts of the building on fire or of adjoining buildings against which the water is to be directed.

Agreements with local authorities for common use of fire appliances.

90. The local authority of the district and the local authority of any borough or urban or rural district, or the parish council of any parish, may enter into and carry into effect agreements for the common use of any fire engines with their appurtenances and firemen or for mutual assistance in case of fire.

Part IX.

Sky Signs.

Sky signs.

91.—(1) (*a*) It shall not be lawful to erect or fix to, upon, or in connection with any building or erection any sky sign, and it shall not be lawful to retain any existing sky sign so erected or fixed for a longer period than three years after the commencement of this section, nor during that period except with the licence of the local authority, and in the event of such licence being granted then only for such period not exceeding three years from the commencement of this section and under and subject to such terms and conditions as shall be therein prescribed.

(*b*) Provided that in any of the following cases a licence of the local authority under this subsection shall become void (namely):—

(i) If any addition to any sky sign be made except for the purpose of making it secure under the direction of the surveyor;

(ii) If any change be made in the sky sign or any part thereof;

(iii) If the sky sign or any part thereof fall either through accident, decay, or any other cause;

(iv) If any addition or alteration be made to or in the house, building, or structure on, over, or to which any sky sign is placed or attached if such addition or alteration involves the disturbance of the sky sign or any part thereof; or

(v) If the house, building, or structure over, on, or to which the sky sign is placed or attached become unoccupied or be demolished or destroyed.

(*c*) Provided also that if any sky sign be erected or retained contrary to the provisions of this Act, or after the licence for the erection, maintenance, or retention thereof for any period shall have expired or become void, it shall be lawful for the local authority to take proceedings for the taking down and removal of the sky sign in the same manner and with the same consequence as to recovery of expenses and otherwise in all respects as if it were an obstruction within the meaning of section sixty-nine (Future projections of houses, &c., to be removed on notice) of the Towns Improvement Clauses Act, 1847. 10 & 11 Vict. c. 34.

(2) Any person acting in contravention of any of the provisions of this section, or of the terms and conditions (if any) of any approval, licence, or consent under this section, shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) For the purposes of this section—

"Sky sign" means—

Any word, letter, model, sign, device, or representation in the nature of an advertisement, announcement, or direction supported on or attached to any post, pole, standard, frame-work, or other support wholly or in part upon, over, or above any house, building or structure which, or any part of which, sky sign shall be visible against the sky from some point in any street or public way, and includes all and every part of any such post, pole, standard, frame-work, or other support.

The expression "sky sign" shall also include—

Any balloon, parachute, or other similar device employed wholly or in part for the purposes of any advertisement or announcement on, over, or above any house, building, structure, or erection of any kind, or on or over any street or public way;

But shall not include—

(*a*) Any flagstaff, pole, vane, or weathercock unless adapted or used wholly or in part for the purpose of any advertisement or announcement;

(*b*) Any sign or any board, frame, or other contrivance securely fixed to or on the top of the wall or parapet of any building, or on the cornice or blocking course of any wall, or to the ridge of a roof: Provided that such board, frame, or other contrivance be of one continuous face and not open work, and do not extend in height more than three feet above any part of the wall or parapet or ridge to, against, or on which it is fixed or supported;

(*c*) Any word, letter, model, sign, device, or representation as aforesaid relating exclusively to the business of a railway or canal company, and placed wholly upon or over any railway, canal, railway station, wharf, quay, yard, platform, or station or wharf or quay approach belonging to a railway or canal company, and so placed that it cannot fall into any street or public place.

PART X.

MISCELLANEOUS.

Bathing places.

92. The local authority—

(*a*) may make byelaws with regard to any public bathing, whether from bathing machines or not, for any of the purposes mentioned in section sixty-nine of the Town Police Clauses Act, 1847, and also for the purpose of regulating the hours of bathing and enforcing the provision and maintenance of any life-saving apparatus or other means of protecting bathers from danger by persons providing accommodation for public bathing; and

(*b*) may, if they think fit, provide and maintain on or at any place within their district, which abuts on the sea or any river, bathing-sheds or other conveniences with all necessary appliances, and may charge for the use thereof.

Provision of life-saving appliances.

93. The local authority of any district may provide and maintain life-saving appliances at any place in their district where they think those appliances are likely to be of use.

Power to license pleasure boats.

94.—(1) The local authority may grant upon such terms and conditions as they may think fit licences for pleasure boats and pleasure vessels to be let for hire or to be used for carrying passengers for hire, and to the boatmen or persons assisting in the charge or navigation of such boats and vessels, and may charge annual fees for such licences, for a boat or vessel a fee

not exceeding the sum of five shillings, and for a boatman or other person a fee not exceeding the sum of one shilling.

(2) Any such licence may be granted for such period as the local authority may think fit, and may be suspended or revoked by the local authority whenever they shall deem such suspension or revocation to be necessary or desirable in the interests of the public: Provided that the existence of the power to suspend or revoke the licence shall be plainly set forth in the licence itself.

(3) No person shall let for hire any pleasure boat or pleasure vessel not so licensed or at any time during the suspension of the licence for the boat or vessel, nor shall any person carry or permit to be carried passengers for hire in any pleasure boat or vessel not so licensed or at any time during the suspension of the licence for the boat or vessel.

(4) A licence under this section shall not be required for any boat or vessel duly licensed by or under any regulations of the Board of Trade.

(5) No person shall carry or permit to be carried in any pleasure boat or pleasure vessel a greater number of passengers for hire than shall be specified in the licence applying to such boat or vessel, and every owner of any such boat or vessel shall, before permitting the same to be used for carrying passengers for hire, paint or cause to be painted, in letters and figures not less than one inch in height and three-quarters of an inch in breadth, on a conspicuous part of the said boat or vessel, his own name and also the number of persons which it is licensed to carry, in the form "Licensed to carry persons."

(6) Every person who shall act in contravention of the provisions of this section shall for each offence be liable to a penalty not exceeding forty shillings.

(7) Any person deeming himself aggrieved by the withholding, suspension, or revocation of any licence under the provisions of this section may appeal to a petty sessional court held after the expiration of two clear days after such withholding, suspension, or revocation: Provided that the person so aggrieved shall give twenty-four hours' written notice of such appeal, and the ground thereof, to the clerk, and the court shall have power to make such order as they see fit and to award costs, such costs to be recoverable summarily as a civil debt.

Extension and amendment of s. 175 and s. 176 of 38 & 39 Vict. c. 55.

95. The powers of a local authority under sections one hundred and seventy-five and one hundred and seventy-six of the Public Health Act, 1875, shall extend to highway purposes, and notwithstanding anything in section one hundred and seventy-five of the Public Health Act, 1875, or any general provision in any local Act, any lands acquired by a local authority and not required for the purposes for which those lands have been acquired may be appropriated for any purpose approved by the Local Government Board, subject, nevertheless, to any special covenant or condition affecting the use of the lands attached thereto at the time of the purchase by the local authority, or

to any special provision affecting the use of the lands contained in any local Act: Provided that the local authority shall not, on any lands so appropriated, create or permit any nuisance; and that the local authority shall not, on any such lands, sink any well for the public supply of water, or construct any cemetery, burial ground, destructor, station for generating electricity, sewage farm, or hospital for infectious disease, unless, after local inquiry and consideration of any objections made by persons affected, the Local Government Board, subject to such conditions as they think fit, authorise the work or construction.

Nothing in this section shall affect any rights acquired before the commencement of this section under any judgment or order of a court of competent jurisdiction, or under any agreement in writing, but if a dispute, one of the parties to which is a local authority, arises under such an agreement as to any such right, the dispute shall, if either party so require, be settled by the Local Government Board as if it were a doubt or difference within the meaning of section three hundred and four of the Public Health Act, 1875, and the Local Government Board may for that purpose deal by Order with any matters which may be dealt with by an Order or Provisional Order under the said section.

SCHEDULE.

Section 13.

References to the Public Health (Ireland) Act, 1878, to be Substituted for References to the Public Health Act, 1875.

Sections of the Public Health Act, 1875.	Corresponding Sections of Public Health (Ireland) Act, 1878.
Forty-one	Fifty-one.
Seventy-seven	Eighty-eight.
Seventy-eight	Eighty-nine.
Eighty-six	Ninety-seven.
Eighty-eight	Ninety-nine.
One hundred and two	One hundred and eighteen.
One hundred and three	One hundred and nineteen.
One hundred and twelve	One hundred and twenty-eight.
One hundred and twenty-four	One hundred and forty-one.
One hundred and twenty-six	One hundred and forty-two.
One hundred and thirty-two	One hundred and fifty-six.
One hundred and fifty	Twenty-eight.
One hundred and fifty-seven	Forty-one.
One hundred and fifty-eight	Forty-two.
One hundred and seventy-five	Two hundred and two.
One hundred and seventy-six	Two hundred and three.
One hundred and eighty-two	Two hundred and nineteen.
One hundred and eighty-six	Two hundred and twenty-three.
Two hundred and fifty-seven	Two hundred and fifty-five.
Two hundred and sixty-eight	Two hundred and sixty-eight.
Three hundred and four	Two hundred and seventy-seven.

CHAPTER 54.

An Act to amend the Law with respect to Small Holdings and Allotments. [28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Part I.

Small Holdings.

Schemes as to the Provision of Small Holdings.

Appointment of Small Holdings Commissioners.

1.—(1) With a view to extending the provision of small holdings, the Board of Agriculture and Fisheries (herein-after referred to as "the Board") shall appoint two or more persons possessed of a knowledge of agriculture to be Small Holdings Commissioners (herein-after referred to as the Commissioners), and may appoint such other officers for the purposes of this Act as the Board may, with the consent of the Treasury, determine.

(2) There shall be paid out of money provided by Parliament to the Commissioners and officers so appointed such salaries or remuneration as the Treasury may from time to time determine; and all expenses incurred by those Commissioners and officers in the execution of their duties under this Act, to such amount as may be sanctioned by the Treasury, shall (except as otherwise expressly provided by this Act) be defrayed out of money provided by Parliament.

Inquiries and reports by Commissioners.

2.—(1) The Commissioners, acting under the directions of the Board, shall ascertain the extent to which there is a demand for small holdings in the several counties or would be a demand if suitable land were available, and the extent to which it is reasonably practicable, having regard to the provisions of the Small Holdings Act, 1892, as amended by this Act, to satisfy any such demand, and for that purpose shall confer with the county councils and may co-operate with such other authorities, associations, and persons as they think best qualified to assist them, and take such other steps as they think necessary. 55 & 56 Vict. c. 31.

(2) The council of any county, borough, district, or parish may make representations to the Commissioners in respect of any such matters as aforesaid, and it shall be the duty of every council to furnish the Commissioners with such information, and to give them such other assistance, as they may reasonably require for the purposes of this section.

(3) The Commissioners shall report the information acquired by them respecting any county to the Board, and shall state whether it is desirable, in the opinion of the Commissioners, that

such a scheme as is herein-after mentioned should be made, and may indicate the nature of the proposals which the Commissioners consider ought to be embodied in the scheme.

(4) If in the course of their inquiries the Commissioners receive any information as to the existence of a demand for allotments they shall communicate the information to the councils of the county, and of the borough, urban district, or parish concerned.

Preparation of draft schemes.

3.—(1) Where the Board, after considering the report and such representations as aforesaid as respects any county, are of opinion that it is desirable that a scheme should be made, the Board shall forward the report of the Commissioners, with such modifications or observations (if any) as the Board think desirable, to the county council, and it shall be the duty of the county council to prepare one or more draft schemes to give effect to the report with such modifications (if any) as aforesaid, or subject to such other modifications as the Board may make after considering any representations submitted to them by the county council, and in preparing the drafts the council shall have regard to the proposals (if any) of the Commissioners indicated in the report.

(2) If the county council decline to undertake this duty, or, within six months after receiving the report or within such extended time as may be allowed by the Board, fail to prepare such one or more draft schemes as appear to the Board desirable, the Board may direct the Commissioners to prepare one or more draft schemes.

(3) A county council, if they think fit, may, without receiving any such report as aforesaid, prepare one or more draft schemes for the provision of small holdings for their county.

(4) A draft scheme under this section may specify—

(*a*) the localities in which land is to be acquired for small holdings;

(*b*) the approximate quantity of land to be acquired, and the number, nature, and size of the small holdings to be provided, in each locality;

(*c*) whether, and to what extent, grazing or other similar rights, to be defined in the scheme, should be attached to the small holdings created in pursuance of the scheme, and, if so, the approximate quantity of land or extent and nature of the rights to be acquired for the purpose;

(*d*) the time within which the scheme or any part thereof is to be carried into effect;

and the scheme may contain such incidental, consequential, or supplemental provisions (including provisions as to the subsequent variation of the scheme) as may appear necessary or proper for the purposes of the scheme.

(5) Where the Commissioners report or the county councils concerned are of opinion that a scheme should be made affecting

two or more counties, the scheme may be prepared by the councils jointly, and may provide for joint action being taken by the councils.

Procedure as to schemes.

4.—(1) A copy of any draft scheme under this Act shall if prepared by a county council be sent to the Board, and if prepared by the Commissioners be sent to the Board and to any county council concerned, and the draft scheme, and any modifications therein which the Board may propose to make, shall be published and advertised together with notice of the time within and manner in which objections are to be sent to the Board, in such manner as the Board think best adapted for informing the persons affected and for insuring publicity.

(2) The Board shall consider the draft scheme and any objections thereto duly made, and may in any case and shall, if the county council object to the scheme or, in the case of a scheme prepared by the council, to any modifications therein which the Board propose to make, hold a public local inquiry, at which the county council, and such other persons as the person holding the inquiry may in his discretion think fit to allow, shall be permitted to appear and be heard.

(3) The Board, after considering the objections and the report of the person holding the inquiry (if any), may settle and confirm the scheme either without modification or subject to such modifications as the Board think fit, or may annul the scheme.

Duty of councils to carry schemes into effect.

5.—(1) It shall be the duty of a county council, on which obligations are imposed by a scheme, to carry them into effect within such time as may be specified in the scheme, or within such further time as may be allowed by the Board, and for that purpose the council may exercise any of the powers conferred on them by the Small Holdings Act, 1892, or by this Act.

(2) If the county council fail so to fulfil their obligations, the Board shall by order direct the Commissioners to take such steps as may be necessary for carrying the scheme into effect, and upon such order being made the Commissioners shall for the purpose have all the powers of a county council in relation to small holdings under the Small Holdings Act, 1892, and this Act, and those Acts shall apply as if references to the Commissioners were substituted for references to a county council:

Provided that such expenses of the Commissioners as the Board certify to have been incurred by the Commissioners in the exercise of such powers in relation to any scheme, and to be properly payable by the county council, shall on demand be repaid to the Board by the county council in default out of the county fund, or, in the case of a county borough, out of the borough fund or borough rate, and shall be recoverable as a debt due to the Crown, and such sums as the Board certify to have been received by the Commissioners in respect of any land acquired shall be paid to the council.

(3) Any order made by the Board directing the Commissioners to carry a scheme into effect shall be laid before both Houses of Parliament as soon as may be after it is made.

(4) If it appears to the Board that the carrying out of a scheme under this Act has resulted or is likely to result in a loss, the Board may, with the consent of the Treasury, pay or undertake to pay out of the Small Holdings Account the whole or any part of that loss.

Amendments of the Small Holdings Act, 1892.

Acquisition of land for small holdings to be let to tenants.

6.—(1) A county council may, for the purpose of providing small holdings for persons who desire to lease and will themselves cultivate the holdings, purchase land, whether situate within or without their county, by agreement, under and in accordance with the provisions of the Small Holdings Act, 1892, or take land on lease.

(2) If a county council are unable to acquire by agreement and on reasonable terms suitable land for the purpose aforesaid, they may acquire land compulsorily in accordance with the provisions of this Act relating to compulsory acquisition of land.

Letting of land acquired for small holdings.

7. Land acquired by a county council for the purposes of small holdings may be adapted for letting and let for small holdings under and in accordance with the provisions of the Small Holdings Act, 1892, as amended by this Act, and those provisions shall apply accordingly.

Explanation of s. 18 (2) of Act of 1892.

8. It is hereby declared that for the purposes of subsection (2) of section eighteen of the Small Holdings Act, 1892, the expression "charge" means the net charge on the county rate calculated in accordance with regulations made by the Local Government Board, after taking into account all receipts from or on account of small holdings or otherwise under the Small Holdings Act, 1892, or this Act.

Power to let small holdings to associations.

9. In addition to the power under section four of the Small Holdings Act, 1892, of letting one or more small holdings to persons working on a co-operative system, a county council shall have power, with the consent of the Board, to let one or more holdings to any association formed for the purposes of creating or promoting the creation of small holdings, and so constituted that the division of profits amongst the members of the association is prohibited or restricted.

Provisions as to rules by county council.

10.—(1) The power to make rules conferred on a county council by section seven of the Small Holdings Act, 1892, shall, subject to the provisions of that Act, extend to the making of rules prescribing the terms and conditions on or subject to which small holdings are to be sold or let by the county council.

(2) All rules made under the said section as so extended shall be subject to confirmation by the Board.

11. A county council may, if they think fit, relax the condition imposed by section nine of the Small Holdings Act, 1892, that not more than one dwelling-house shall be erected on a holding, if in their opinion such relaxation will be for the benefit of that or adjacent small holdings provided by the council, but so that the council shall not authorise more than one dwelling-house to be erected for occupation with any one small holding. Number of dwelling-houses allowed on small holding.

12.—(1) Where under subsection (2) or subsection (3) of section nine of the Small Holdings Act, 1892, the county council have power to cause or require a small holding to be sold, the council may, in the event of their requiring such holding for the purposes of the Small Holdings Act, 1892, or this Act, by notice in writing require the holding to be sold to themselves at such price as, in default of agreement, may be determined by arbitration, and thereupon the council shall, after such date as may be specified by the notice and on production to the registrar of the land registry of evidence of service of the notice and of the payment of the sum so agreed or determined or of the tender of such payment, be registered as the proprietor of the land in place of the registered proprietor, and such registration shall operate as a registration on a transfer for valuable consideration under the Land Transfer Acts, 1875 and 1897. Power of county council to resume possession of holding on death of owner. 38 & 39 Vict. c. 87. 60 & 61 Vict. c. 65.

(2) A notice for the purposes of this section shall be deemed to be sufficiently served if sent by registered post addressed to the owner or the personal representatives of the deceased owner at his registered address or at his last known place of abode.

(3) This section shall only apply in the case where a small holding has been sold by the county council.

13. In section eleven of the Small Holdings Act, 1892 (which relates to the right of purchase if a small holding is diverted from agriculture), the words "and then to the person or persons whose lands immediately adjoin the holding" shall be repealed. Amendment of s. 11 of the Act of 1892.

14.—(1) The maximum period which may be sanctioned as the period for which money may be borrowed by a county council under the Small Holdings Act, 1892, shall, where the purpose for which the money is borrowed is the purchase of land under that Act or this Act, be eighty years. Provisions as to borrowing.

(2) Where a loan is made by the Public Works Loans Commissioners to a county council for the purposes of the Small Holdings Act, 1892, as amended by this Act—

(*a*) The loan shall be made at the minimum rate allowed for the time being for loans out of the local loans fund; and

(*b*) If the Local Government Board make a recommendation to that effect, the period for which the loan is made by the Public Works Loans Commissioners may exceed the period allowed under the Public Works Loans Act, 38 & 39 Vict. c. 89.

1875, and the Acts amending that Act, but the period shall not exceed the period recommended by the Local Government Board, nor, where the purpose of the loan is the purchase of land, eighty years, or in any other case fifty years; and

(*c*) As between loans for different periods, the longer duration of the loan shall not be taken as a reason for fixing a higher rate of interest.

Delegation of powers to councils of boroughs or urban districts.

15. A county council may make arrangements with the council of any borough or urban district in the county for the exercise by the council of that borough or district as agents for the county council, on such terms and subject to such conditions as may be agreed on, of any powers of the county council in respect of the acquisition, adaptation, and management of small holdings for the borough or district, and the council of the borough or district may, as part of the arrangement, undertake to pay the whole or any part of the loss (if any) incurred in connection with those small holdings, and any sum payable in pursuance of any such undertaking shall be defrayed as part of the general expenses of the council in the execution of the Public Health Acts.

Powers of Board of Agriculture and Fisheries.

Power of Board to provide small holdings.

16. The Board may, if after inquiry they think it advisable to do so with a view to demonstrating the feasibility of the establishment of small holdings in any locality, exercise the powers conferred on county councils by the Small Holdings Act, 1892, and this Act in relation to small holdings (except the powers of acquiring land compulsorily and of borrowing), and those Acts shall apply as if references to the Board were substituted for references to a county council; but the expenses of the Board shall be defrayed out of, and their receipts paid into, the small holdings account, and no part thereof shall be paid out of any rate.

Power of Board to repay part of expenses incurred by council.

17. The Board may, if they think fit, and subject to regulations made by the Board with the approval of the Treasury, repay or undertake to repay to a county council, out of the small holdings account, the whole or any part of the expenses incurred by the council in proceedings in relation to the acquisition of land for the purposes of small holdings, and the amount so repaid shall not be treated as part of the costs incurred by the council in relation to land for the purposes of sections four and eighteen of the Small Holdings Act, 1892, but nothing in this section shall authorise the repayment of any part of any purchase money, compensation, or rent payable in respect of the land.

Appointment of advisory and managing committees by Board.

18. Where the Commissioners, acting in default of a county council, or the Board for the purpose of demonstrating the feasibility of the establishment of small holdings, exercise the powers

of a county council under the Small Holdings Act, 1892, or this Act, the Board may appoint such advisory and managing committees as they think fit, with such powers and duties as may be conferred or imposed on them, and may, with the consent of the Treasury, pay out of the Small Holdings Account all reasonable travelling and out-of-pocket expenses of the members of committees so appointed:

Provided that, where the expenses are incurred for the purposes of the powers exercised by the Commissioners acting in default of a county council, those expenses shall be treated as expenses incurred by the Commissioners in the exercise of the powers of the county council.

Creation of special account.

19.—(1) For the purposes of this Act there shall be opened an account at the Bank of England, called "The Small Holdings Account."

(2) There shall be paid to this account—

(*a*) Such money as may from time to time be provided by Parliament towards defraying the costs and expenses of the Board directed by this Act to be paid out of the Small Holdings Account; and

(*b*) All sums received by the Board and directed by this Act to be paid into the Small Holdings Account.

(3) The costs and expenses of the Board directed by this Act to be paid out of the Small Holdings Account shall be paid by the Board out of the money standing to that account.

(4) At the end of every financial year, accounts of the receipts and expenditure of the Small Holdings Account shall be made up in such form and with such particulars as may be directed by the Treasury, and shall be audited by the Comptroller and Auditor-General as public accounts in accordance with such regulations as the Treasury may make, and shall be laid before Parliament, together with his report thereon.

(5) Payments out of, and into, the Small Holdings Account, and all other matters relating to the Account, and to the money standing to the credit of the Account, shall be paid and regulated in such manner as the Treasury direct.

Part II.

Allotments.

Transfer of powers, &c., under Allotments Acts.

20.—(1) The powers of the Local Government Board under the Allotments Acts, except such of those powers as relate to the finance of local authorities, shall be transferred to the Board of Agriculture and Fisheries, and, if any question arises as to whether any power is a power which has been transferred under this provision, the question shall be determined by the Local Government Board, whose decision shall be final.

(2) The powers and duties of rural district councils under the Allotments Acts shall be transferred to parish councils,

and those Acts shall have effect as if references therein to the sanitary authority and the district thereof included references to the parish council and the parish, and subject to such other adaptations as may be necessary.

(3) All property acquired and all liabilities incurred by any rural district council under the Allotments Acts shall, as from an appointed day fixed by the Local Government Board either generally or as respects any particular district, by virtue of this Act be transferred to and vested in the parish council of the parish in respect of which the property was acquired or the liabilities incurred.

56 & 57 Vict. c. 73.

(4) Money borrowed by a parish council under section twelve of the Local Government Act, 1894, for the purposes of the powers and duties transferred to or conferred on the council under this Act, shall not be reckoned as part of the debt of the parish for the purpose of the limitation on borrowing under the said section twelve.

38 & 39 Vict. c. 55.

(5) Sections two hundred and forty-two and two hundred and forty-three of the Public Health Act, 1875, relating to loans by the Public Works Loan Commissioners to a local authority, shall, with the necessary adaptations, apply to a loan to a parish council under the Local Government Act, 1894, or to a county council lending money to a parish council under that Act, where the purpose for which the loan is required by the parish council is the acquisition, improvement, or adaptation of land under the Allotments Acts as amended by this Act.

(6) Sections sixty-eight, seventy, seventy-two, eighty-five, eighty-six, eighty-seven, and eighty-eight of the Local Government Act, 1894 (which relate to adjustment of property and liabilities, determination of questions, local inquiries, current rates, accounts and proceedings, existing securities, and the discharge of existing debts, existing regulations, and pending contracts), shall apply as if they were herein re-enacted and in terms made applicable to this section.

Amendments of Allotments Acts. 50 & 51 Vict. c. 48.

21.—(1) Five acres shall be substituted for one acre in subsection (3) of section seven of the Allotments Act, 1887, as the limit of the extent of an allotment or allotments which may be held by one person:

Provided that—

(*a*) The duty of a council under the Allotments Acts, as amended by this Act, to provide allotments shall not include the duty of providing allotments exceeding one acre in extent; and

(*b*) any part of the land acquired by a council under the Allotments Acts or this Act which exceeds five acres may be adapted for letting and let as an allotment, if the county council are satisfied by the council that it is convenient and desirable that it should be so let and consent to such letting accordingly.

(2) The powers of improving and adapting land for allotments under the Allotments Acts shall include power to erect buildings and make adaptations of existing buildings, but so that not more than one dwelling-house shall be erected for occupation with any one allotment. No dwelling-house shall be erected for occupation with any allotment of less than one acre.

(3) A council shall have the same power of letting one or more allotments to persons working on a co-operative system, or to an association formed for the purposes of creating or promoting the creation of allotments, as may be exercised as respects small holdings by a county council.

Compulsory acquisition of land for allotments.

22. If a council are unable to acquire land by agreement and on reasonable terms under the Allotments Acts as amended by this Act, they may acquire land compulsorily in accordance with the provisions of this Act relating to compulsory acquisition of land.

Management of allotments.

23.—(1) The powers and duties as to the management of allotments transferred to a parish council by subsection (4) of section six of the Local Government Act, 1894, shall, in the case of a parish not having a parish council, be exercised and performed by persons appointed by the parish meeting.

(2) The provisions of the Allotments Acts, as amended by this Act, shall apply to an allotment of which the management is transferred to a parish council under subsection (4) of section six of the Local Government Act, 1894, in like manner as if it had been acquired by the council under the general powers of the first-mentioned Acts.

Powers of county councils as to allotments. 53 & 54 Vict. c. 65.

24.—(1) The following subsection shall be substituted for subsection (1) of section two of the Allotments Act, 1890:—

"It shall be the duty of a county council to ascertain the extent to which there is a demand for allotments in the several urban districts (other than boroughs) and rural parishes in the county, or would be a demand if suitable land were available, and the extent to which it is reasonably practicable, having regard to the provisions of the principal Act as amended by any subsequent enactment, to satisfy any such demand, and for that purpose to co-operate with such authorities, associations, and persons as they think best qualified to assist them, and take such other steps as they think necessary."

(2) If the Board are, in relation to any urban district (other than a borough) or rural parish, satisfied, after holding a local inquiry at which the county council and the council of the district or parish, and such other persons as the person holding the inquiry may, in his discretion, think fit to allow, shall be permitted to appear and be heard, that the county council have failed to fulfil their obligations under the Allotments Act, 1890, as amended by this section, the Board may by order transfer to the Commissioners all or any of the powers of the county council

under the Allotments Acts as amended by this Act in relation to the district or parish, and those Acts shall apply as if references to the Commissioners were substituted for references to the county council and with such other adaptations as may be made by the order.

Application of Allotments Acts to London.

25. The powers conferred on sanitary authorities by the Allotments Acts as amended by this Act may in London be exercised by the London County Council, and those Acts as so amended shall apply accordingly, except that, subject to the provisions of this Act, the expenses shall be defrayed and money borrowed under and in accordance with the provisions of the Local Government Act, 1888.

51 & 52 Vict. c. 41.

Part III.

General.

Acquisition of Land.

Procedure for compulsory acquisition of land.

26.—(1) Where a council propose to purchase land compulsorily under this Act, the council may, subject to the provisions of Part I. of the First Schedule to this Act, submit to the Board an order, putting in force as respects the land specified in the order the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

(2) Where a council propose to hire land compulsorily, the council may submit to the Board an order for the compulsory hiring of the land specified in the order for a period not less than fourteen nor more than thirty-five years, and the provisions of Part I. of the First Schedule to this Act shall apply to the order in like manner as it applies to an order for compulsory purchase, with the substitution of "hiring" for "purchase," and with the modifications set out in Part II. of that Schedule.

(3) An order under this section shall be of no force unless and until it is confirmed by the Board, and the Board may, subject to the provisions of the First Schedule to this Act, confirm the order either without modification or subject to such modifications as they think fit, and an order when so confirmed shall become final and have effect as if enacted in this Act; and the confirmation by the Board shall be conclusive evidence that the requirements of this Act have been complied with, and that the order has been duly made and is within the powers of this Act.

(4) An order under this section may provide for the continuance of any existing easement or the creation of any new easement over the land authorised to be acquired, and every such order shall, if so required by the owner of the land to be acquired, provide for the creation of such new easements as are reasonably necessary to secure the continued use and enjoyment by such owner and his tenants of all means of access, drainage, water supply, and other similar conveniences theretofore used or

enjoyed by them over the land to be acquired: Provided that, notwithstanding anything contained in this subsection, no new easement created by or in pursuance of such order over land hired by a council shall continue beyond the determination of such hiring.

(5) In determining the amount of any disputed compensation under any such order, no additional allowance shall be made on account of the purchase or hiring being compulsory.

(6) Where land authorised to be compulsorily hired by an order under this section is subject to a mortgage, any lease made in pursuance of the order by the mortgagor or mortgagee in possession shall have the like effect as if it were a lease authorised by section eighteen of the Conveyancing and Law of Property Act, 1881. 44 & 45 Vict. c. 41.

(7) Where the council proposing to acquire land compulsorily is a parish council, the council shall, instead of themselves making and submitting to the Board the order, represent the case to the county council, and thereupon the county council may, on behalf of the parish council, exercise the powers in relation to compulsory purchase or hiring conferred on councils by this Act, and the order shall be carried into effect by the county council, but the land shall be assured or demised to the parish council, and all expenses incurred by the county council shall be paid by the parish council:

Provided that, if the parish council are aggrieved by the refusal of the county council to proceed under this section, the parish council may petition the Board, and thereupon the Board, after such inquiry as they think fit, may make such an order as the county council might have made, and this subsection shall apply as if the order had been made by the county council.

(8) If, after the determination of the amount of the compensation (including in the case of land hired compulsorily the rent) to be paid to any person in respect of his interest in the land proposed to be compulsorily acquired, it appears to the council that the land cannot be let for small holdings or allotments, as the case may be, at such a rent as will secure the council from loss, the council may, at any time within six weeks after the determination of the amount, by notice in writing withdraw any notice to treat served on that person or on any other person interested in the land, and in such case any person on whom such a notice of withdrawal has been served shall be entitled to obtain from the council compensation for any loss or expenses which he may have sustained or incurred by reason or in consequence of the notice to treat and of the notice of withdrawal, and the amount of such compensation shall, in default of agreement, be determined by arbitration:

Provided that, in every case in which the notice of withdrawal is given by the Commissioners acting in default of the council, all compensation payable under this subsection shall be paid out of the Small Holdings Account.

Power of council to renew tenancy of land compulsorily hired.

27.—(1) Where a council has hired land compulsorily, for small holdings or allotments, the council may, by giving to the landlord not more than two years nor less than one year before the expiration of the tenancy notice in writing, renew the tenancy for such term, not being less than fourteen nor more than thirty-five years, as may be specified in the notice, and at such rent as, in default of agreement, may be determined by valuation by a valuer appointed by the Board, but otherwise on the same terms and conditions as the original lease, and so from time to time:

Provided that if on any such notice being given the landlord shall prove to the satisfaction of the Board that any land included in the tenancy is required for the amenity or convenience of any dwelling-house, then such land shall be excluded from the renewed tenancy.

(2) In assessing the rent to be paid under this section the valuer shall not take into account any increase in the value of the holding—

(*a*) due to improvements in respect of which the council would have been entitled to compensation, if instead of renewing the tenancy the council had quitted the land on the determination of the tenancy, or

(*b*) due to any use to which the land might otherwise be put during the renewed term, being a use in respect of which the landlord is entitled to resume possession of the land under this Act, or

(*c*) due to the establishment by the council of other small holdings or allotments in the neighbourhood,

or any depreciation in the value of the land in respect of which the landlord would have been entitled to compensation if the council had so quitted the land as aforesaid.

Provisions as to voluntary leasing of land for small holdings or allotments.

28.—(1) Any person having power to lease land for agricultural purposes for a limited term, whether subject to any consent or conditions or not, may, subject to the like consent and conditions (if any), lease land to a council for the purposes of small holdings or allotments for a term not exceeding thirty-five years, either with or without such right of renewal as is conferred by this Act in the case of land hired compulsorily for those purposes.

(2) The like powers of leasing may be exercised, in the case of land belonging to the Crown, by the Commissioners of Woods, with the consent of the Treasury, in the case of land forming part of the possessions of the Duchy of Lancaster, by the Chancellor and Council of the Duchy of Lancaster by deed under the seal of the Duchy in the name of His Majesty his heirs and successors, and, in the case of land forming part of the possessions of the Duchy of Cornwall, by the Duke of Cornwall or other the persons for the time being having power to dispose of land belonging to that Duchy.

(3) The like powers of leasing may be exercised in the case of glebe land or other land belonging to an ecclesiastical benefice by the incumbent thereof, with the consent of the Ecclesiastical Commissioners alone upon such terms and conditions and in such manner as the Ecclesiastical Commissioners may approve.

Provisions as to glebe lands.

29. In the case of glebe land or other land belonging to an ecclesiastical benefice hired by a council for the purposes of small holdings or allotments—

34 & 35 Vict. c. 43.

(1) The provisions of the Ecclesiastical Dilapidations Act, 1871, shall not during the continuance of the tenancy be applicable to the buildings upon the land;

(2) At the determination of the tenancy, on the council quitting the land, or at any time within twelve months thereafter, the incumbent of the benefice to which the land belongs may apply to the Ecclesiastical Commissioners for their consent to the removal of any buildings which have been erected on the land for the purpose of adapting the land for small holdings or allotments, and, on proof to the satisfaction of the Commissioners that any such buildings are useless, and that it is to the interest of the benefice that they should be removed, the incumbent may, with the consent of the Commissioners and subject to such directions as they may give, pull down any such buildings and dispose of the materials thereof, and any proceeds shall be paid to the Commissioners to be by them applied to the improvement of the benefice in such manner as the Commissioners may direct.

Restrictions on the acquisition of land.

30.—(1) No land shall be authorised by an order under this Act to be acquired compulsorily which at the date of the order forms part of any park, garden, or pleasure ground, or forms part of the home farm attached to and usually occupied with a mansion house or is otherwise required for the amenity or convenience of any dwelling-house, or which is woodland not wholly surrounded by or adjacent to land acquired by a council under this Act, or which at that date is the property of any local authority or has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking, or is the site of an ancient monument or other object of archæological interest.

(2) The council in making, and the Board in confirming, an order for the compulsory acquisition of land shall have regard to the extent of land held or occupied in the locality by any owner or tenant and to the convenience of other property belonging to or occupied by the same owner or tenant, and shall, so far as practicable, avoid taking an undue or inconvenient quantity of land from any one owner or tenant, and for that purpose, where part only of a holding is taken, shall take

into consideration the size and character of the existing agricultural buildings not proposed to be taken which were used in connection with the holding, and the quantity and nature of the land available for occupation therewith, and shall also, so far as practicable, avoid displacing any considerable number of agricultural labourers or others employed on or about the land.

(3) No holding of fifty acres or less in extent, nor any part of any such holding, shall be authorised by an order under this Act to be acquired compulsorily for the purposes of small holdings or allotments.

Grazing rights, &c., to be attached to small holdings or allotments.

31.—(1) The powers of a council to acquire land for small holdings or allotments shall, subject to the restrictions by this Act imposed, include power to acquire land for the purpose of attaching to small holdings or allotments provided by the council rights of grazing and other similar rights over the land so acquired, and to acquire for that purpose stints and other alienable common rights of grazing.

(2) Any rights created or acquired by the council under this section shall be attached to the small holdings or allotments in such manner and subject to such regulations as the council think expedient.

(3) The powers conferred by this section shall be in addition to and not in substitution for the powers of providing common pasture conferred by section twelve of the Allotments Act, 1887.

Interchange of land for small holdings and allotments.

32.—(1) A county council may sell or let to a borough, urban district, or parish council for the purpose of allotments any land acquired by them for small holdings, and a borough, urban district, or parish council may sell or let to the county council for the purpose of small holdings any land acquired by them for allotments, and the provisions of the Lands Clauses Acts with respect to the sale of superfluous land shall not apply on any such sale.

(2) Subsection (2) of section eleven of the Allotments Act, 1887, shall apply to the proceeds of sale under this section of land acquired for allotments.

Power to resume possession of land hired compulsorily.

33.—(1) Where land has been hired by a council compulsorily under this Act or the Allotments Acts, and the land or any part thereof at any time during the tenancy thereof by the council is shown to the satisfaction of the Board to be required by the landlord to be used for building, mining, or other industrial purposes, or for roads necessary therefor, it shall be lawful for the landlord to resume possession of the land or part thereof upon giving to the council twelve months' previous notice in writing of his intention so to do; and, if a part only of the land is resumed, the rent payable by the council shall as from the date of resumption be reduced by such sum as, in default of agreement, may be determined by valuation by a valuer appointed by the Board.

(2) Where the land has been hired compulsorily by the Commissioners acting in default of a county council, any question as to the right of the landlord to resume possession of the land or any part thereof under this section shall be determined by an arbitrator appointed by the Lord Chief Justice of England.

Compensation for loss of employment by labourers.

34. Where a labourer, who has been regularly employed on any land acquired by a county council for small holdings, proves to the satisfaction of the county council that the effect of the acquisition was to deprive him of his employment, and that there was no employment of an equally beneficial character available to him in the same locality, the county council may pay to him such compensation as they think just for his loss of employment or for his expenses in moving to another locality, and any sum so paid shall be treated as part of the expenses of the acquisition of the land.

Compensation for improvements.

35.—(1) Where a council has let a small holding or allotment to any tenant, the tenant shall as against the council have the same rights with respect to compensation for the improvements mentioned in paragraph 27 (i) (ii) (iii) and (iv) of the First Schedule to the Agricultural Holdings Act, 1900, as if it had been agreed in writing that the holding or allotment should be let as a market garden : 63 & 64 Vict. c. 50.

Provided that the tenant shall not be entitled to compensation in respect of any such improvement, if executed contrary to an express prohibition in writing by the council, affecting either the whole or any part of the holding or allotment; but, if the tenant feels aggrieved by any such prohibition, he may appeal to the Board, who may confirm, vary, or annul the prohibition, and the decision of the Board shall be final.

(2) Where land has been hired by a council for small holdings or allotments, the council shall (subject in the case of land hired by agreement to any agreement to the contrary) be entitled at the determination of the tenancy on quitting the land to compensation under the Agricultural Holdings (England) Acts, 1883 to 1906, for any improvement mentioned in paragraph (27) (i) (ii) (iii) and (iv) of the First Schedule to the Agricultural Holdings Act, 1900, and for any improvement mentioned in Part I. or Part II. of that schedule which was necessary or proper to adapt the land for small holdings or allotments, as if such improvements as aforesaid were improvements mentioned in Part III. of that schedule :

Provided that, in the case of land hired compulsorily, the amount of the compensation payable to the council for those improvements shall be such sum as fairly represents the increase (if any) in the value to the landlord and his successors in title of the holding due to those improvements.

(3) The tenant of an allotment to which the Allotments Acts as amended by this Act apply may, if he so elects, claim compensation for improvements under the Allotments and Cottage

50 & 51 Vict. c. 26.

Gardens (Compensation for Crops) Act, 1887, instead of under the Agricultural Holdings (England) Acts, 1883 to 1906, as amended by this section, notwithstanding that the allotment exceeds two acres in extent.

(4) Subsection (5) of section seven of the Allotments Act, 1887, is hereby repealed.

Supplemental.

Small holdings and allotments committees.

36.—(1) Every county council shall establish a small holdings and allotments committee, consisting either wholly or partly of members of the council, but the members of the council shall be a majority, and all matters relating to the exercise and performance by the council of their powers and duties under the Small Holdings Act, 1892, the Allotments Acts, and this Act (except the power of raising a rate or borrowing money) shall stand referred to the small holdings and allotments committee, and references in the Allotments Acts to the standing committee shall be construed as references to the small holdings and allotments committee, and the council before exercising any such powers shall, unless in their opinion the matter is urgent, receive and consider the report of the small holdings and allotments committee with respect to the matter in question, and the council may also delegate to the small holdings and allotments committee, with or without restrictions or conditions, as they think fit, any of their powers under the said Acts except the power of raising a rate or borrowing money.

(2) The small holdings and allotments committee may delegate any of their powers to sub-committees, consisting either wholly or partly of members of the committee, and in appointing any sub-committee to which is committed the powers of management of small holdings shall have regard to the advisability of including amongst the members of the sub-committee members of the councils of the boroughs, urban districts, or parishes in which the holdings are situate, or for which they are provided, and other persons acquainted with the needs and circumstances of the area for which the sub-committee acts.

(3) Where any receipts or payments of money under this Act are entrusted by the county council to the small holdings and allotments committee, or any sub-committee thereof, the accounts of those receipts and payments shall be accounts of the county council, and made up and audited accordingly.

Accounts of receipts and expenditure under the Small Holdings and Allotments Acts.

37. Separate accounts shall be kept of the receipts and expenditure of a council under the Small Holdings Act, 1892, as amended by this Act, and under the Allotments Acts as amended by this Act, and any such receipts shall, subject to the provisions of those Acts, be applicable to the purposes of those Acts respectively, but not for any other purpose except with the consent of the Local Government Board ; and, for the purpose of the provisions relating to the audit of accounts, any persons

appointed by an urban sanitary authority under the Allotments Acts, or by a parish meeting under this Act, to exercise and perform powers and duties as to the management of allotments shall be deemed to be officers of the sanitary authority or parish meeting, as the case may be.

Extension of 46 & 47 Vict. c. 61. s. 41 to small holdings.

38. Section forty-one of the Agricultural Holdings (England) Act, 1883, which relates to the resumption of the possession of land by landlords with a view to its use for certain purposes, shall have effect as if there were included amongst those purposes the provision of small holdings.

Co-operative societies, &c.

39.—(1) A county council may promote the formation or extension of, and may, subject to the provisions of this section, assist, societies on a co-operative basis, having for their object, or one of their objects, the provision or the profitable working of small holdings or allotments, whether in relation to the purchase of requisites, the sale of produce, credit banking or insurance or otherwise, and may employ as their agents for the purpose any such society as is mentioned in subsection (4) of this section.

(2) The county council, with the consent of, and subject to regulations made by, the Local Government Board, may for the purpose of assisting a society make grants or advances to the society, or guarantee advances made to the society, upon such terms and conditions as to rate of interest and repayment or otherwise, and on such security, as the council think fit, and the making of such grants or advances shall be a purpose for which a council may borrow under the Small Holdings Act, 1892.

(3) Where the Board themselves provide small holdings under the provisions of this Act, they may, with respect to any such society carrying on business or intending to carry on business in the neighbourhood of those small holdings, exercise the powers of a county council under this section, and the provisions of this section shall apply accordingly, except that references to the Treasury shall be substituted for references to the Local Government Board, and that the expenses and receipts of the Board under this section shall be paid out of and into the Small Holdings Account.

(4) The Board with the consent of the Treasury may out of the Small Holdings Account make grants, upon such terms as the Board may determine, to any society having as its object or one of its objects the promotion of co-operation in connection with the cultivation of small holdings or allotments.

Provisions as to land acquired by Commissioners.

40. Any land acquired by the Commissioners under this Act shall be vested in the Board, but the Board may at any time transfer the land to the council at whose expense the land was acquired, and shall so transfer the land on payment of all sums due from the council in connection therewith, and on proof to the satisfaction of the Board that the council are willing to exercise and perform their powers and duties in relation thereto.

Provisions as to Commissioners.

41. Anything by this Act required or authorised to be done by or to the Commissioners may be done by or to any one such Commissioner, and any document purporting to be signed by a Commissioner shall be received in evidence without proof of the appointment or handwriting of the Commissioner.

Local inquiries.

42.—(1) The Board and the Small Holdings Commissioners and other officers of the Board shall have for the purpose of an inquiry in pursuance of this Act the same powers as the Local Government Board and their inspectors respectively have for the purpose of an inquiry under the Public Health Acts.

(2) Notices of the inquiries shall be given and published in accordance with such general or special directions as the Board may give.

Arbitrations and valuations.

43.—(1) All questions which under this Act are referred to arbitration shall, unless otherwise expressly provided by this Act, be determined by a single arbitrator in accordance with the Agricultural Holdings (England) Acts, 1883 to 1906.

(2) Where an order has been made and confirmed authorising the compulsory acquisition of land by the Commissioners acting in default of a county council, the arbitrator or valuer, as the case may be, shall be appointed by the Lord Chief Justice of England instead of by the Board.

(3) The remuneration of an arbitrator or valuer appointed under this Act shall be fixed by the Board.

Annual report to Parliament.

44. The Board shall make an annual report to Parliament of their proceedings, and of the proceedings of the Commissioners, under this Act, and also of the proceedings of the several county, borough, district, and parish councils under the Small Holdings Act, 1892, the Allotments Acts, and this Act, and for that purpose every such council shall, before such date in every year as the Board may fix, send to the Board a report of their proceedings under the Small Holdings Act, 1892, the Allotments Acts, and this Act during the preceding year.

Saving for existing tenancies.

45. Nothing in this Act shall affect the rights and obligations under any tenancy created before the commencement of this Act under the Small Holdings Act, 1892, or the Allotments Acts.

Interpretation.

46.—(1) For the purposes of the Small Holdings Act, 1892, and this Act, the expression "small holding" means an agricultural holding which exceeds one acre and either does not exceed fifty acres, or, if exceeding fifty acres, is at the date of sale or letting of an annual value for the purposes of income tax not exceeding fifty pounds.

(2) For the purposes of this Act—

The expression "prescribed" means prescribed by regulations made by the Board :

The expression "Allotments Acts" means the Allotments Acts, 1887 and 1890, as amended by the Local Government Act, 1894:

The expression "landlord," in relation to any land compulsorily hired by a council, means the person for the time being entitled to receive the rent of the land from the council.

(3) For the purposes of the Small Holdings Act, 1892, the Allotments Acts, and this Act, any expenses incurred by a council in the enfranchisement of any land acquired by them for small holdings or allotments, or in the purchase or redemption of land tax, or any quit rent, chief rent, tithe, or other rentcharge, or other perpetual annual sum issuing out of land so acquired, shall be deemed to have been incurred in the purchase of the land.

(4) In this Act references to a parish council shall, in the case of a rural parish not having a parish council, include references to the parish meeting: Provided that any property by this Act transferred to and vested in a parish council shall in such a case be transferred to and vested in the chairman of the parish meeting and the overseers of the parish.

(5) Any notice required by this Act to be served or given may be sent by registered post.

Short title, commencement, extent, and repeal.

47.—(1) This Act may be cited as the Small Holdings and Allotments Act, 1907, and, so far as it relates to small holdings, shall be construed with the Small Holdings Act, 1892, and may be cited with that Act as the Small Holdings Acts, 1892 and 1907, and, so far as it relates to allotments, shall be construed with the Allotments Acts, and may be cited with those Acts as the Allotments Acts, 1887 to 1907.

(2) This Act shall come into operation on the first day of January one thousand nine hundred and eight.

(3) This Act shall not extend to Scotland or Ireland.

(4) The enactments mentioned in the Second Schedule to this Act are hereby repealed, except as to Scotland, to the extent specified in the third column of that schedule.

SCHEDULES.

FIRST SCHEDULE.

Section 26.

Part I.

Provisions as to the Compulsory Acquisition of Land by a Council.

(1) The order shall be in the prescribed form, and shall contain such provisions as the Board may prescribe for the purpose of carrying the order into effect, and of protecting the council and the persons interested in the land, and shall incorporate, subject to the necessary adaptations, the Lands

8 & 9 Vict. c. 20.

Clauses Acts and sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845, but subject to this modification, that any question of disputed compensation shall be determined by a single arbitrator appointed by the Board, who shall be deemed to be an arbitrator within the meaning of the Lands Clauses Acts, and the provisions of those Acts with respect to arbitration shall, subject to the provisions of this schedule, apply accordingly.

(2) The order shall be published by the council in the prescribed manner, and such notice shall be given both in the locality in which the land is proposed to be acquired and to the owners, lessees, and occupiers of that land as may be prescribed.

(3) If within the prescribed period no objection to the order has been presented to the Board by a person interested in the land, or if every such objection has been withdrawn, the Board shall, without further inquiry, confirm the order, but if such an objection has been presented and has not been withdrawn the Board shall forthwith cause a public inquiry to be held in the locality in which the land is proposed to be acquired, and the council and all persons interested in the land and such other persons as the person holding the inquiry in his discretion thinks fit to allow shall be permitted to appear and be heard at the inquiry.

(4) Before confirming the order the Board shall consider the report of the person who held the inquiry, and all objections made thereat.

(5) The arbitrator shall, so far as practicable, in assessing compensation act on his own knowledge and experience, but, subject as aforesaid, at any inquiry or arbitration held under this schedule the person holding the inquiry or arbitration shall hear, by themselves or their agents, any authorities or parties authorised by or under this Act to appear, and shall hear witnesses, but shall not, except in such cases as the Board otherwise direct, hear counsel or expert witnesses.

(6) The Board may, with the concurrence of the Lord Chancellor, make rules fixing a scale of costs to be applicable on an arbitration under this schedule, and an arbitrator under this schedule may, notwithstanding anything in the Lands Clauses Acts, determine the amount of costs, and shall have power to disallow as costs in the arbitration the costs of any witness whom he considers to have been called unnecessarily, and any other costs which he considers to have been caused or incurred unnecessarily.

(7) In construing, for the purposes of this schedule or any order made thereunder, any enactment incorporated with the order, this Act together with the order shall be deemed to be the special Act and the council shall be deemed to be the promoters of the undertaking.

(8) Where the land is glebe land or other land belonging to an ecclesiastical benefice the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or other injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale under the provisions of the Ecclesiastical Leasing Acts of land belonging to a benefice.

PART II.

PROVISIONS AS TO THE COMPULSORY HIRING OF LAND BY A COUNCIL.

(1) The Board shall make regulations for the purpose of carrying the order into effect and of protecting the council and the persons interested in the land, and the order shall incorporate such regulations, together with

such provisions of the Lands Clauses Acts and of sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845, as may, subject to the prescribed adaptations, appear to the Board necessary or expedient for that purpose.

(2) The order authorising the land to be hired compulsorily shall determine the terms and conditions of the hiring other than the rent, and in particular—

(*a*) shall provide for the insertion in the lease of covenants by the council to cultivate the land in a proper manner and to pay to the landlord at the determination of the tenancy, on the council quitting the land, compensation for any depreciation of the land by reason of any failure by the council, or any person deriving title under them, to observe such covenants or by reason of any user of the land by the council or such person as aforesaid, and (unless otherwise agreed) to keep the buildings and premises demised in repair; and

(*b*) shall not authorise the breaking up of pasture unless the Board are satisfied that it can be so broken up without depreciating the value of the land, or that the circumstances are such that small holdings cannot otherwise be successfully cultivated; and

(*c*) shall not, except with the consent of the landlord, confer on the council any right to fell or cut timber or trees or any right to take, sell, or carry away any minerals, gravel, sand, or clay, except so far as may be necessary or convenient for the purpose of erecting buildings on the land or otherwise adapting the land for small holdings or allotments, and except upon payment of compensation for minerals, gravel, sand, or clay so used.

(3) The determination of—

(*a*) The amount of the rent to be paid by the council for the land compulsorily hired;

(*b*) The amount of any other compensation to be paid by the council to any person entitled thereto in respect of the land or any interest therein, or in respect of improvements executed on the land or otherwise; and

(*c*) Where part only of a holding held for an unexpired term is hired, the rent to be paid for the residue of the holding during the remainder of that term;

shall in default of agreement be by valuation by a single valuer appointed by the Board: Provided that if the land hired is in the occupation of a tenant he may by notice in writing served on the council before the determination of his tenancy require that any claim by him against the council which, under the Agricultural Holdings (England) Acts, 1883 to 1906, might be referred to arbitration under those Acts shall be so referred, and in such case those claims shall be determined by arbitration under those Acts and not by valuation under this Act.

(4) The valuer, in fixing the rent to be paid for the land compulsorily hired, shall take into consideration the rent (if any) at which the land has been let and the annual value at which the land is assessed for purposes of income tax or rating, the loss (if any) caused to the owner by severance, the terms and conditions of the hiring, including any reservation of sporting or fishing rights, and all the other circumstances connected with the land, but shall not make any allowance in respect of any use to which the land compulsorily hired might otherwise be put by the owner during the term of hiring, being a use in respect of which the owner is entitled to resume possession of the land under this Act.

(5) Any compensation awarded to a tenant in respect of any depreciation of the value to him of the residue of his holding caused by the withdrawal from the holding of the land compulsorily hired shall, as far as

possible, be provided for by taking such compensation into account in fixing the rent to be paid for the residue of the holding during the remainder of the term for which it is held by the tenant.

(6) Any person interested in any valuation shall give the valuer all such assistance, information, and explanations as he may require, and shall produce to the valuer, or give him access to, all such books, accounts, vouchers, and other documents relating to the land to be compulsorily hired as he may reasonably require for the purposes of valuation, and such expenses as the valuer certifies to have been properly incurred by any person in furnishing such assistance, information, and explanations, or otherwise, in relation to the valuation, shall be paid by the council.

(7) On the determination of any tenancy created by compulsory hiring any questions as to the amount due by the council for depreciation shall in default of agreement be determined by arbitration.

Section 47.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
50 & 51 Vict. c. 48.	The Allotments Act, 1887.	Subsections (2) and (3) and, except so far as they are applied by any other enactment, subsections (4) to (8) of section three. Section four. Subsection (5) of section seven. Section nine. Subsections (2), (3), and (6) of section ten, and, except so far as it relates to urban sanitary authorities, the rest of that section. Subsection (2) of section eleven from "Provided that" to the end of the subsection. In section twelve, the words "if urban, or any parish in their district if rural." Section fourteen.
53 & 54 Vict. c. 65.	The Allotments Act, 1890.	Subsection (1) of section two, and in subsection (2) the words "by the inquiry herein-after mentioned." Subsections (1), (2) and (3) of section three. Section four, from "and in the application of subsection (6)" to the end of paragraph (*d*). Subsection (2) of section six from "save that" to the end of the subsection. Subsection (3) of section six from "and in the case" to the end of the subsection.

Session and Chapter.	Short Title.	Extent of Repeal.
55 & 56 Vict. c. 31.	The Small Holdings Act, 1892.	Subsection (2) of section one. Section two. Subsection (2) of section four to "Provided that". In subsection (3) of section four the words "in the case of small holdings which may be let." Section five. In section eleven the words "and then to the person or persons whose lands immediately adjoin the holding." Section sixteen. In section twenty the words from "and the expression 'electoral division'" to "shall mean ward," and the definition of "county elector."
56 & 57 Vict. c. 73.	The Local Government Act, 1894.	In subsection (3) of section six the words "and of applying for the election of allotment managers," and "or the Allotments Act, 1890," and subsection (4) of the same section from "and for the purposes of section sixteen of the Small Holdings Act, 1892" to the end of the section. In subsection (3) of section nine, the words "or on any proceeding under the Allotments Acts, 1887 and 1890," and the words "or for the purpose of allotments, as the case may be." In subsection (5) of section nine, the words "or if the proceeding is taken on the petition of the district council, then the district council." In subsection (9) of section nine, the words "when made on the petition of a district council, by that council, and in any other case." Subsection (13) of section nine, to "is not so taken." In subsection (14) of section nine, the words "otherwise than for allotments," and from "and any land purchased" to the end of the subsection. Subsections (16), (17) and (18) of section nine. Section ten.

CHAPTER 55.

An Act to amend the Law relating to Cabs and Stage Carriages in London. [28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Fares for taximeter cabs. 32 & 33 Vict. c. 115.

1.—(1) The Secretary of State shall have power by regulations made under section nine of the Metropolitan Public Carriage Act, 1869, to fix the fares to be paid for the hire in London of cabs fitted with taximeters, either on the basis of time or distance or both, and so as to differ for different classes of cabs and under different circumstances. Provided that the fare fixed for horse cabs fitted with taximeters shall not be less than at the rate of sixpence for every mile so far as the fare is fixed on the basis of distance, and of sixpence for every twelve minutes so far as the fare is fixed on the basis of time, and that no fare shall be less than sixpence.

(2) Regulations made under this section, so far as inconsistent with any enactment relating to the fare to be paid for the hire of cabs in London, shall take effect notwithstanding that enactment, and any enactments relating to cabs in London shall, as respects cabs for which fares are fixed under this Act, be construed as if a reference to the fares so fixed were substituted for a reference to the fares fixed under any of those enactments.

Abolition of privileged cab system.

2.—(1) In the admission of cabs to a railway station, or in the treatment of cabs while in a railway station, the company having the control of the station shall not show any preference to any cab, or give any cab a privilege, which is not given to other cabs; and where any charge is made in respect of the admission of any cab to a railway station for the purpose of plying for hire therein, the charge made shall not exceed such sum as may be allowed by the Secretary of State.

(2) If it is proved to the satisfaction of the Secretary of State that it will not be possible to obtain a sufficient supply of cabs at a railway station for the proper accommodation of the public, unless the operation of this section is suspended or modified as respects that station, the Secretary of State may by order so modify or suspend the operation of this section with respect to that station, subject to such conditions as may be specified in the order.

(3) In this section the expression "railway station" includes the precincts thereof and the approaches thereto.

(4) Nothing in this section shall affect the liability of cabs or the drivers thereof to comply with any regulations or conditions which may be made by the company having control of a railway station for the purpose of maintaining order or dealing with the traffic at such station, including regulations as to—

(i) The number of cabs to be admitted at any one time;

(ii) The rejection of cabs and drivers unfit for admission; and

(iii) The expulsion of any cabman who has been guilty of misconduct, or of a breach of the company's bye-laws or regulations.

(5) This section shall come into operation on the first day of January nineteen hundred and eight, and shall remain in force up to the first day of January nineteen hundred and ten.

Application of statutory provisions to stage carriages plying partly within and partly without London. 6 & 7 Vict. c. 86. 32 & 33 Vict. c. 115.

3. The Secretary of State may by general or special order apply to stage carriages which on every journey go to or come from some town or place beyond London, or any class of such stage carriages, any provisions of the Acts relating to stage carriages in London, from which those stage carriages are exempted by virtue of section two of the London Hackney Carriages Act, 1843, or section five of the Metropolitan Public Carriage Act, 1869, subject to any exceptions contained in the order.

Stopping places for stage carriages.

4. The Commissioner of Metropolitan Police, and as respects the City of London the Commissioner of City Police, may give directions with respect to the stopping places for stage carriages in London, and if the driver or conductor of any stage carriage acts in contravention of any direction so given, he shall be liable in respect of each offence on summary conviction to a penalty not exceeding forty shillings.

Application of statutory provisions to carriages used on light railways running in streets. 33 & 34 Vict. c. 78. 59 & 60 Vict. c. 48.

5. Section forty-eight of the Tramways Act, 1870 (which applies to tramways certain of the enactments relating to hackney carriages in London), and any enactments relating to stage carriages or metropolitan stage carriages in London, shall apply in the case of carriages used on any street or road in London by virtue of an order made under the Light Railways Act, 1896, in the same manner as they apply in the case of carriages used on a tramway.

Definitions. 32 & 33 Vict. c. 115.

6.—(1) In this Act the expression "stage carriage" has the same meaning as in the Metropolitan Public Carriage Act, 1869, as amended by this Act, the expression "cab" has the same meaning as the expression "hackney carriage" has in that Act, the expression "fare" includes any payment to be made for the carriage of luggage on a cab, and any other payment to be made in respect of the hire of a cab, and the expression "taximeter" means any appliance for measuring the time or distance for which a cab is used, or for measuring both time and distance, which is for the time being approved for the purpose by or on behalf of the Secretary of State.

(2) It is hereby declared that for the purposes of any Act relating to hackney carriages, stage carriages, metropolitan stage carriages, or cabs, in London, the expressions "hackney carriage," "stage carriage," "metropolitan stage carriage," or "cab" include any such vehicle, whether drawn or propelled by animal or mechanical power, and section seven of the London Hackney Carriage Act, 1833, is hereby repealed. 3 & 4 Will. 4. c. 48.

(3) In this Act the expression "London" means the Metropolitan Police District and the City of London.

Short title and extent of Act.

7.—(1) This Act may be cited as the London Cab and Stage Carriage Act, 1907.

(2) This Act shall only apply to London as defined by this Act.

CHAPTER 56.

An Act to facilitate the provision of Land for certain Evicted Tenants in Ireland and for other purposes connected therewith, and to make provision with respect to the tenure of office by the Estates Commissioners. [28th August 1907.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to acquire land compulsorily.

1.—(1) If it appears to the Estates Commissioners that it is expedient to acquire any land for the purposes of this Act, and if they have offered to the person appearing to them to be the owner of the land a price which appears to them to represent the value thereof, and he has not within the prescribed time accepted the offer, they may, subject to the provisions as to appeal contained in this Act, acquire that land compulsorily for those purposes in accordance with the provisions of this Act, and shall declare any land so acquired to be an estate.

(2) The expression "the purposes of this Act" means the provision of parcels of land for—

(*a*) evicted tenants to whom this Act applies, that is to say, persons mentioned in paragraph (*d*) of subsection one of section two of the Act of 1903, who, or whose predecessors, were evicted from their holdings before the passing of the said Act in consequence of proceedings taken by or on behalf of their landlords, and who made application to the Estates Commissioners before the first day of May nineteen hundred and seven to be put in occupation of holdings, and whom those Commissioners consider to be fit and proper persons to become purchasers under the Land Purchase Acts, not exceeding two thousand in all; and

(*b*) new tenants to whom this Act applies, that is to say, tenants, and persons nominated by the Estates Commissioners as personal representatives of tenants, of holdings formerly occupied by evicted tenants to whom this Act applies.

(3) No tenanted land shall be acquired compulsorily unless it is in the occupation of a new tenant to whom this Act applies, and unless the Estates Commissioners, having regard to all the circumstances of the case, holding, and district, and to the cost involved, consider it expedient that the evicted tenant should be reinstated as a purchaser of that land: Provided that no tenanted land shall be acquired compulsorily which is in the possession or occupation of a bonâ fide tenant using or cultivating the same as an ordinary farmer in accordance with proper methods of husbandry.

(4) No land shall be acquired compulsorily which is subject to an annuity for the repayment of an advance under the Land Purchase Acts.

(5) For the purposes of this enactment a person shall be deemed to be a tenant notwithstanding that he may have agreed to purchase his holding, if the agreement was entered into after the first day of May nineteen hundred and seven, and if the holding has not become vested in him as a purchaser under the Land Purchase Acts.

Provisions respecting acquisition of land and purchase money.

2. Where it is proposed that any land shall be acquired compulsorily under this Act—

(1) The Estates Commissioners shall publish a notice to that effect in the "Dublin Gazette" containing the prescribed particulars with respect to the land, and calling upon any persons interested in the land, who may object to the acquisition thereof under this Act, to lodge in the office of the Land Commission, within the prescribed period, a statement of the grounds of their objection:

(2) A copy of the aforesaid notice shall be served by the Estates Commissioners as soon as may be, in the prescribed manner, upon the person who appears to them to be the owner of the land, and upon all persons known or believed by them to be interested therein:

(3) At any time after the publication of the aforesaid notice, any inspectors and other persons appointed by the Estates Commissioners may enter upon the land, and do all such things as may be necessary for the purpose of enabling the Commissioners to determine whether the land is suitable for the purposes of this Act and to estimate the price thereof:

(4) If it appears to the Estates Commissioners, after considering the report of their inspectors and any objections to the acquisition of the land lodged as aforesaid, that the land is suitable for the purposes of this Act, and that no valid objection has been raised to such acquisition, they may, if they think fit, make an offer to the person appearing to them

to be the owner of the land for the purchase thereof at such price as appears to them primâ facie to be a reasonable price :

(5) The Estates Commissioners shall, upon making such offer, give notice in the prescribed manner to all persons known or believed by them to be interested in the land of their intention to acquire the same at the aforesaid price, unless within the prescribed period a petition is presented to the Land Commission by any person interested praying that the land shall not be so acquired without further inquiry :

(6) If no petition has been presented, or if every such petition has been withdrawn, the purchase money shall, within six months after the expiration of the time limited for the presentation of petitions, be paid into the Bank of Ireland by the Land Commission and the Estates Commissioners shall make an order vesting the land in the Land Commission :

(7) If a petition has been presented, and has not been withdrawn, the petition and all questions arising thereon shall, subject to the provisions of section twenty-three of the Act of 1903 with respect to questions of law, be heard and determined by the Estates Commissioners, or any two of them, and their decision shall, subject to the provisions of this section, be final :

(8) Any person aggrieved by any determination of the Estates Commissioners, fixing the price of the land proposed to be acquired, may within the prescribed time appeal to the Judicial Commissioner, who shall hear in the prescribed manner and determine the appeal :

(9) The powers conferred upon the Land Commission by section forty-eight of the Land Law (Ireland) Act, 1881, may be exercised by the Judicial Commissioner in the case of all proceedings coming before him in pursuance of the last preceding subsection :

44 & 45 Vict. c. 49.

(10) The powers and duties of the Judicial Commissioner under this section shall not be exercised and performed by any other judge appointed as an additional Judicial Commissioner save during the absence through illness of the Judicial Commissioner :

(11) Any person aggrieved by any determination of the Estates Commissioners of a question arising under the provisions of this Act imposing restrictions on the acquisition of land may, within the prescribed time, appeal, at his option, either to the Judge of Assize of the county in which the land is situate, or to a Judge of the King's Bench Division of the High Court placed on a rota for the purposes of this Act :

(12) The Judge shall have power to hear and determine all questions of law and fact arising on any such appeal (other than a question of law referred to the Judicial Commissioner under section twenty-three of the Act of 1903), and may make such order as to costs as he may think fit, and his decision on all questions heard by him shall be final:

(13) Rules of the Supreme Court shall provide for the forming of a rota for the purposes of this Act, and for the procedure to be adopted on the hearing of any such last-mentioned appeals, and for the consolidation and transfer where necessary of such appeals:

(14) Subject to the determination of all questions arising on the petition, the purchase money shall, within the prescribed time, be paid into the Bank of Ireland, and the vesting order shall be made, unless the Estates Commissioners, within the prescribed time, serve a notice on the person appearing to them to be the owner of the land that they do not intend to make the order.

Publication of proceedings and returns.

3.—(1) The Estates Commissioners shall publish particulars of all cases in which an evicted tenant, or a person nominated by them to be the personal representative of a deceased evicted tenant, has been or may be hereafter, with their assistance, reinstated as a purchaser of his or his predecessor's former holding or provided with a new parcel of land under the Land Purchase Act.

(2) Such particulars shall be in the form of a quarterly return, which shall be laid before Parliament as soon as may be after it is made, and shall contain such particulars of each case as may be prescribed, including the particulars set forth in the schedule to this Act, if and so far as it may be practicable to furnish the same.

Power to determine tenancies.

4.—(1) Where the Estates Commissioners have acquired any tenanted land under this Act, they may serve in the prescribed manner a notice on any new tenant thereon, which shall have the effect of determining the tenancy in the holding in his occupation as from the date mentioned in the notice, not being less than six months from the service thereof and ending either on the first day of May or on the first day of November.

(2) Unless the new tenant has applied for compensation as herein-after mentioned, the Estates Commissioners shall, within three months from the service of the aforesaid notice, offer to put the new tenant forthwith into possession of a parcel of land which will be subject to an annuity under the Land Purchase Acts not exceeding in amount the rent payable by him for the said holding, and which is, in the opinion of the Estates Commissioners, of not less value, in respect of the land comprised therein, than the value of the land comprised in the said

holding, and which, in the opinion of the said Commissioners, is as suitably provided with buildings and other requirements as the said holding, and shall at the same time offer to such new tenant such sum as may be reasonably necessary to cover any expense or loss incidental to the removal of himself and his family as well as of his crops, stock, and other chattels to such parcel of land.

(3) If the new tenant is dissatisfied with the parcel of land offered to him, or refuses to enter into possession thereof, the Estates Commissioners shall, after hearing him, or giving him an opportunity of being heard, award such sum as appears to them to be full compensation for his interest in the said holding in like manner as if the holding had been resumed by the landlord under the powers in that behalf conferred by section five of the Land Law (Ireland) Act, 1881.

(4) Where the new tenant applies within the prescribed time for compensation under the last preceding subsection, the Estates Commissioners may, if they think proper, award him such compensation without having offered to put him into possession of a parcel of land.

(5) A tenant to whom compensation has been awarded under this section shall not be compelled to quit his holding until the amount of compensation due to him has been paid or deposited in the prescribed manner.

(6) Where a new tenant is put into possession of a parcel of land the Estates Commissioners may order that such charges, liabilities and equities, as affected the tenant's interest in the former holding, shall either continue to affect that holding or be transferred to the said parcel of land.

Expenses in relation to improvement of land, &c.

5.—(1) Any expenses incurred or compensation payable by the Estates Commissioners in relation to land acquired under this Act in the exercise of the powers conferred by section twelve of the Act of 1903, or by the provisions of this Act relating to the determination of tenancies, shall be paid out of the reserve fund mentioned in section forty-three of the Act of 1903, and, if and so far as that fund is insufficient, shall be paid as part of the expenses of the Land Commission.

(2) Regulations under subsection three of the said section forty-three may provide for the repayment to the account of the expenses of the Land Commission of any money paid under the foregoing provisions of this section as part of the expenses of the Land Commission and recovered by way of an increase of price on resale.

(3) All costs and expenses necessarily and properly incurred by any person in respect of a petition, hearing, or appeal under this Act, or by any person having a claim upon the purchase money of land acquired under this Act in the ascertainment of the title to and distribution of that money, shall be paid, as part of the expenses of the Land Commission, to the person who incurred such costs or expenses.

Power to incur loss on resales.

6. If the amount of the purchase money of any land acquired by the Estates Commissioners under this Act is greater than the total amount of the purchase money at which the land could, in the opinion of the Estates Commissioners, if unimproved, be reasonably resold for the purposes of this Act, the Lord Lieutenant may authorise the Estates Commissioners to incur loss on such resale, to such extent as may be determined by him with the assent of the Treasury, and the amount of that loss shall be paid out of the Land Purchase Aid Fund and credited to the Irish Land Purchase Fund in redemption of an equal amount of the original advance: Provided that the total amount paid out of the Land Purchase Aid Fund under this section shall not exceed one hundred thousand pounds.

Restriction on the acquisition of land.

7. No untenanted land shall be acquired compulsorily under this Act which is or forms part of any demesne, home farm, town park, within the meaning of the Land Law (Ireland) Acts, garden, or pleasure ground, or which is the property of a railway or canal company, and which is, or may be, required for the purposes of their undertaking; and in the exercise of the powers for the compulsory acquisition of land conferred by this Act the Estates Commissioners shall, in the case of untenanted land, avoid all interference with the demesne and amenity of residence of the owner of the land, or with any home farm or land immediately adjoining and customarily occupied with his residence, and land shall be selected with due regard to the general situation and convenience of any other property of the owner so as not to diminish the value thereof.

Alternative site.

8. The owner of any land proposed to be acquired under this Act may offer to sell any other land as an alternative, and the Estates Commissioners shall consider any such offer.

Saving of sporting rights.

9. Where any land is compulsorily acquired under this Act all sporting rights theretofore vested in the owner of the land shall, if he so desires, be expressly reserved to him.

Incorporation of 8 Vict. c. 18. s. 91.

10. Section ninety-one of the Lands Clauses Consolidation Act, 1845, which makes provision in case of refusal to deliver possession of lands, is hereby incorporated with this Act, and in construing the said section as so incorporated this Act shall be deemed to be the special Act and the Estates Commissioners shall be deemed to be the promoters of the undertaking.

Restraint on transfer of holdings and protection in case of bankruptcy, &c.

11.—(1) So long as a parcel of land, provided out of land acquired under this Act, and sold to an evicted tenant, is subject to an annuity under the Land Purchase Acts, the interest of the purchaser in the land shall not be transferred on a voluntary sale without the consent of the Land Commission.

(2) No parcel of land purchased by an evicted tenant under the Land Purchase Acts shall be made available in any bankruptcy, or by any other process or proceeding of law, to pay, satisfy, or discharge, in whole or in part, any debt contracted or

incurred by such evicted tenant prior to the date on which the parcel of land became vested in him.

Protection of farm stock, &c.

12. No farming stock or other chattels provided for an evicted tenant by means of a grant or loan under the Act of 1903, shall be made available in any bankruptcy, or by any other process or proceeding of law, to pay, satisfy, or discharge, in whole or in part, any debt contracted or incurred by such evicted tenant prior to the date on which the parcel of land purchased by him became vested in him.

Advances to new tenants.

13. Advances under the Land Purchase Acts may be made for the purchase of parcels of land by any new tenants to whom this Act applies, in like manner as if they were mentioned in section two of the Act of 1903.

Surplus lands.

14. Any land acquired under this Act which is not required for the purposes of this Act, after having been offered to the person from whom it was acquired, may, if the offer is not accepted by him within the prescribed time, be sold under the Land Purchase Acts to any person mentioned in section two of the Act of 1903.

Application of Acts.

15. The Land Purchase Acts shall apply, in the case of land acquired under this Act, in like manner as if the land were purchased by agreement, with the necessary modifications, and in particular the date of the payment of the purchase money into the Bank of Ireland shall be substituted for the date of the purchase agreement, and the provisions of section fourteen of the Land Law (Ireland) Act, 1887, with respect to money paid into the Bank of Ireland, shall apply where money is so paid under this Act, and, in the application of section twenty-three of the Act of 1903, the foregoing provisions of this Act shall be substituted for the provisions of that Act specified in the said section.

Tenure of office by Estates Commissioners.

16.—(1) The Estates Commissioners shall hold office by the same tenure as if they were county court judges in Ireland.

(2) Subsection five of section twenty-three of the Act of 1903 is hereby repealed.

Expenses of improvement in case of land sold to evicted tenant by owner of estate.

17.—(1) Regulations made by the Treasury may provide that where the Land Commission have expended money on the improvement of a parcel of land sold by the owner of an estate to a person mentioned in subhead (*d*) of subsection (1) of section two of the Act of 1903, and the value of the said parcel has in consequence been increased, the National Debt Commissioners may advance to the Land Commission for repayment to the reserve fund, mentioned in section forty-three of the Act of 1903, such sum as represents the increase of value consequent on the improvement, and such advance shall be repaid by the tenant purchaser as if it were an advance made under the Land Purchase Acts for the purchase of the said parcel.

(2) The annuity payable in respect of an advance made in pursuance of this section shall, in accordance with regulations made by the Treasury, be consolidated and made payable with the purchase annuity payable in respect of the purchase money of the parcel of land.

Power to Congested Districts Board to assist evicted tenants.

18. The Congested Districts Board for Ireland may, out of any funds at their disposal, make a free grant to any tenant reinstated by them in a holding, his tenancy in which had been determined, for the purpose of assisting him to rebuild or repair any buildings on the holding, or to purchase stock or seed.

Duration of Act.

19. The provisions of this Act conferring powers for the acquisition of land and for the determination of tenancies shall continue in force for four years after the passing of this Act, and as regards any matters then pending before the Court of Appeal or the Judicial Commissioner until the said matters are finally determined.

Short title, &c.

20. This Act may be cited as the Evicted Tenants (Ireland) Act, 1907, and shall be construed as one with Part One of the Irish Land Act, 1903, in this Act referred to as "the Act of 1903," and may be cited with the Land Purchase Acts.

3 Edw. 7. c. 37.

SCHEDULE.

PARTICULARS OF DECISIONS AND RETURNS.

COUNTY.	Name of Estate on which former holding is situate.	Name of Tenant.	Townland on which former holding is situate.	Date of Eviction.	Annual rent of former holding at date of eviction (as stated in tenant's application).	Annuity payable on purchase holding.	Expenditure sanctioned out of Reserve Fund.				Area.		Poor Law Valuation.	
							Advances repayable as part of Land Purchase Annuities.	Free Grants not repayable.			Former Holding.	New Holding.	Former Holding.	New Holding.
							Buildings and other improvements.	Buildings and other improvements.	Stock, farm implements.	Compensation to outgoing tenants on surrendering holdings.				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)

TABLE II.

A

TABLE

OF

The TITLES of the LOCAL and PRIVATE Acts (including the PUBLIC ACTS of a Local Character) passed during the Session (arranged according to chapter) 7 EDWARD 7.—A.D. 1907.

LOCAL ACTS.

The Titles to which the Letter **P.** *is prefixed are Public Acts of a Local Character.*

ROYAL ASSENT, 29th April 1907.

P. i. AN Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Portobello and Musselburgh Tramways (Port Seton Deviation). (*Portobello and Musselburgh Tramways (Port Seton Deviation) Order Confirmation.*)

ii. An Act to make provision with reference to the substitution of a memorandum and articles of association for the existing constitution and regulations of the Royal Insurance Company and for extending its objects and to repeal in part the Royal Insurance Company's Act 1891 and for other purposes. (*Royal Insurance Company's.*)

ROYAL ASSENT, 4th July 1907.

iii. An Act to extend the time for the compulsory purchase of lands for and completion of tramways and other works authorised by the West Riding Tramways Act 1904. (*West Riding Tramways.*)

iv. An Act to extend the jurisdiction of the Company of Proprietors of the Lower Navigation of the River Medway and for other purposes. (*Medway Lower Navigation.*)

v. An Act to remove the restrictions in respect of sulphur compounds (other than sulphuretted hydrogen) now imposed upon certain gas companies. (*Gas Companies (Removal of Sulphur Restrictions).*)

vi. An Act for conferring further powers upon the Basingstoke Gas Company. (*Basingstoke Gas.*)

vii. An Act for conferring further powers upon the Falmouth Gas Company. (*Falmouth Gas.*)

viii. An Act to rearrange and increase the capital of and to alter and extend the memorandum of association and the objects and powers of the Staveley Coal and Iron Company Limited and for other purposes. (*Staveley Coal and Iron Company Limited.*)

ix. An Act to extend the time for the completion of the authorised pier and works of the Weston-super-Mare Grand Pier Company and for other purposes. (*Weston-super-Mare Grand Pier.*)

x. An Act for conferring further powers upon the North East London Railway Company with respect to their undertaking and for other purposes. (*North East London Railway.*)

xi. An Act to amend the provisions of the London and North Western Railway Act 1854 with respect to Superannuation Fund. (*London and North Western Railway (Superannuation Fund).*)

xii. An Act for the abandonment of the Plymouth and North Devon Direct Railway. (*Plymouth and North Devon Direct Railway (Abandonment).*)

xiii. An Act to provide for an increase of the share capital of Borax Consolidated Limited and for the conversion of the ordinary shares of the Company into preferred ordinary shares and deferred ordinary shares and for other purposes. (*Borax Consolidated Limited.*)

xiv. An Act to confer further powers on the Folkestone Sandgate and Hythe Tramways Company for widening and altering roads and acquiring lands and for other purposes. (*Folkestone Sandgate and Hythe Tramways.*)

xv. An Act to authorise the working of mines and minerals under and adjacent to the portion of the Bridgewater Canal extending from Monton Bridge in the county of Lancaster to Leigh in the same county and for other purposes. (*Manchester Ship Canal (Bridgewater Canal).*)

xvi. An Act to confer further powers on the West Yorkshire Tramways Company for widening and altering roads and acquiring lands and for other purposes. (*West Yorkshire Tramways.*)

xvii. An Act to authorise the Mitcham and Wimbledon District Gaslight Company to construct new works to raise additional capital to convert their existing capital and for other purposes. (*Mitcham and Wimbledon Gas.*)

xviii. An Act to empower the Corporation of Birmingham to acquire further lands for the purposes of the Military Lands Acts 1892 to 1903 and for other purposes. (*Birmingham Corporation.*)

xix. An Act to confer further powers upon the Newquay and District Water Company to extend their limits for the supply of water to authorise the construction of works and the raising of money and for other purposes. (*Newquay and District Water.*)

xx. An Act to authorise the mayor aldermen and burgesses of the county borough of Middlesbrough to construct a transporter bridge across the River Tees and to discontinue the Middlesbrough and Port Clarence Ferry and for other purposes. (*Middlesbrough Corporation (Transporter Bridge).*)

xxi. An Act to alter and enlarge the provisions of the Charters incorporating the Royal Bank of Scotland and of an Act amending the same. (*Royal Bank of Scotland.*)

xxii. An Act to vary the style or qualification of licentiates of the Society of Apothecaries of London and for other purposes. (*Apothecaries.*)

xxiii. An Act for extending the limits of supply of the Maidstone Gas Company and for other purposes. (*Maidstone Gas.*)

xxiv. An Act to empower the lord mayor aldermen and burgesses of the city of Bristol to raise further moneys for completion of authorised dock works and for other purposes. (*Bristol Corporation.*)

xxv. An Act to empower the mayor aldermen and burgesses of the county borough of Burnley to retain sell or otherwise dispose of surplus lands and for other purposes. (*Burnley Corporation.*)

xxvi. An Act for conferring further powers on the Tyne Improvement Commissioners and for amending certain of the Tyne Improvement Acts 1850 to 1902 and for other purposes. (*Tyne Improvement.*)

xxvii. An Act to define and sanction the existing water undertaking of the urban district council of Keswick in the county of Cumberland to authorise the construction of new works to define the limits for the supply of water and for other purposes. (*Keswick Urban District Council* (*Water*).)

xxviii. An Act to authorise the Brecon and Merthyr Tydfil Junction Railway Company to acquire additional lands and to raise further money and for other purposes. (*Brecon and Merthyr Railway.*)

xxix. An Act to enable the Port Talbot Railway and Docks Company to raise additional capital. (*Port Talbot Railway and Docks.*)

xxx. An Act to empower the Manchester Ship Canal Company to acquire lands and to confer upon that Company further powers in relation to the supply of water in their canal and for other purposes. (*Manchester Ship Canal* (*Various Powers*).)

xxxi. An Act for incorporating and conferring powers on the Shanklin Gas Company and other purposes. (*Shanklin Gas.*)

xxxii. An Act to extend the time for the compulsory purchase of lands and for the completion of works for the South Eastern and London Chatham and Dover Railways and to authorise the raising of additional capital by the South Eastern Railway Company. (*South Eastern and London Chatham and Dover Railways.*)

xxxiii. An Act to authorise the Metropolitan Railway Company to establish and regulate a pension fund and for other purposes. (*Metropolitan Railway* (*Pension Fund*).)

xxxiv. An Act to regulate and facilitate the increase of the capital of the Simon-Carves Bye-Product Coke Oven Construction and Working Company Limited and for other purposes. (*Simon-Carves Bye-Product Coke Oven Construction and Working Company Limited.*)

xxxv. An Act for incorporating and conferring powers on the Grays and Tilbury Gas Company. (*Grays and Tilbury Gas.*)

xxxvi. An Act to incorporate the Brockenhurst Gas Company and to enable that Company to supply with gas the parish of Brockenhurst in the county of Southampton. (*Brockenhurst Gas.*)

xxxvii. An Act to incorporate and confer powers upon the Boston Spa Gas Company. (*Boston Spa Gas.*)

xxxviii. An Act for rendering valid certain Letters Patent granted to Richard Harrison for an invention for improvements in or connected with elastic wheels applicable to motor and other vehicles. (*Harrison's Patent.*)

xxxix. An Act to authorise the urban district council of St. Neot's to acquire the undertaking of the St. Neot's Water Company and to supply water throughout their district and the neighbourhood thereof and for other purposes. (*St. Neot's Urban District Council.*)

xl. An Act for transferring to the Ecclesiastical Commissioners the endowments of the rectory of Sutton Coldfield in the county of Warwick and for providing for the re-endowment of the said rectory and for the application of the income and capital of the transferred endowments and for other ecclesiastical purposes. (*Sutton Coldfield Rectory.*)

xli. An Act for amending certain provisions of the Birmingham Corporation Water Acts in regard to repayment of moneys borrowed for the purposes of those Acts and for other purposes. (*Birmingham Corporation Water.*)

xlii. An Act to amend the Great Yarmouth Port and Haven Acts of 1866 and 1900 to confer further powers upon the Great Yarmouth Port and Haven Commissioners and for other purposes. (*Great Yarmouth Port and Haven.*)

xliii. An Act to confer further powers on the Taff Vale Railway Company and for other purposes. (*Taff Valley Railway.*)

xliv. An Act to empower the General Accident Fire and Life Assurance Corporation Limited to issue insurance coupons and for other purposes. (*General Accident Fire and Life Assurance Corporation.*)

xlv. An Act to make provision with reference to claims by policy holders and other persons against other companies or persons for compensation or payment in respect of injuries. (*Ocean Accident and Guarantee Corporation Limited.*)

P. xlvi. An Act to confirm a Scheme made under the London Government Act 1899 relating to the Southwark Borough Market. (*London Government Scheme (Southwark Borough Market) Confirmation.*)

P. xlvii. An Act to confirm a Provisional Order made by one of His Majesty's Principal Secretaries of State under the Provisional Order (Marriages) Act 1905. (*Provisional Order (Marriages) Confirmation.*)

P. xlviii. An Act to confirm a Provisional Order made by one of His Majesty's Principal Secretaries of State under the Metropolitan Police Act 1886 relating to Lands in the Metropolitan Boroughs of Paddington and Battersea and in the Parish of Chipping Barnet. (*Metropolitan Police Provisional Order Confirmation.*)

P. xlix. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the Oregon Mortgage Company Limited. (*Oregon Mortgage Company Limited Order Confirmation.*)

P. l. An Act to confirm a Provisional Order made by the Board of Trade under the Railway and Canal Traffic Act 1888 containing the Schedule of Maximum Tolls and Charges applicable to the New Junction Canal of the Undertakers of the Aire and Calder Navigation. (*Canal Tolls and Charges (New Junction Canal) Order Confirmation.*)

Royal Assent, 26th July 1907.

P. li. An Act to confirm a Provisional Order under the Land Drainage Act 1861 in the matter of certain lands in the Parish of Keadby in the County of Lincoln (Parts of Lindsey). (*Land Drainage Provisional Order Confirmation (No. 1).*)

P. lii. An Act to confirm a Provisional Order under the Land Drainage Act 1861 in the matter of the Oulton Carlton &c. Marshes in the Parishes of Oulton Carlton Colville and Barnby in the County of Suffolk. (*Land Drainage Provisional Order Confirmation (No. 2).*)

P. liii. An Act to confirm certain Provisional Orders of the Local Government Board for Ireland relating to Dublin and Fermoy. (*Local Government Board (Ireland) Provisional Orders Confirmation (No. 2).*)

P. liv. An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts 1882 and 1888 relating to Aston Manor (Extension to Erdington) Chesham (Amendment) Hipperholme (Amendment) Lytham Newark (Amendment) Penrith (Amendment) Pontefract and Stockport (Amendment). (*Electric Lighting Orders Confirmation (No. 1).*)

P. lv. An Act to confirm a Provisional Order made by the Board of Trade under the Electric Lighting Acts 1882 and 1888 relating to the rural district of Cork. (*Electric Lighting Order Confirmation (No. 2).*)

P. lvi. An Act to confirm a Provisional Order made by the Board of Trade under the Electric Lighting Acts 1882 and 1888 the Electric Lighting (Scotland) Act 1890 and the Electric Lighting (Scotland) Act 1902 relating to the Burgh of Arbroath. (*Electric Lighting Order Confirmation (No. 4).*)

P. lvii. An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts 1882 and 1888 relating to Minehead and Dunster Rhymney Valley (Gelligaer Mynyddislwyn and Bedwellty) and St. Albans and District. (*Electric Lighting Orders Confirmation* (*No.* 5).)

P. lviii. An Act to confirm a Provisional Order under the Burgh Police (Scotland) Act 1892 relating to Ladybank Sewerage Drainage and Water. (*Ladybank Sewerage Drainage and Water Order Confirmation.*)

P. lix. An Act to confirm certain Provisional Orders made by the Board of Education under the Education Acts 1870 to 1903 to enable the Councils of the Administrative County of Surrey and the County Boroughs of Birkenhead and Southport to put in force the Lands Clauses Acts. (*Education Board Provisional Orders Confirmation* (*Surrey &c.*).)

P. lx. An Act to confirm a Provisional Order made by the Board of Education under the Education Acts 1870 to 1903 to enable the London County Council to put in force the Lands Clauses Acts. (*Education Board Provisional Order Confirmation* (*London No.* 2).)

P. lxi. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Clyde Navigation. (*Clyde Navigation Order Confirmation.*)

P. lxii. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Dundee Corporation. (*Dundee Corporation Order Confirmation.*)

P. lxiii. An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act 1870 relating to Dorking Water Freshwater Gas New Tredegar Gas and Water Skegness Gas and Woking District Gas. (*Gas and Water Orders Confirmation* (*No.* 1).)

P. lxiv. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Portobello and Musselburgh Tramways (Levenhall Extension). (*Portobello and Musselburgh Tramways* (*Levenhall Extension*) *Order Confirmation.*)

lxv. An Act to confer further powers upon the Southend Waterworks Company to extend their limits for the supply of water to authorise the transfer to them of the water undertakings of the urban district council of Leigh-on-Sea and the rural district council of Billericay to raise additional capital and for other purposes. (*Southend Waterworks.*)

lxvi. An Act to incorporate the Burnham (Somerset) Pier Company and to transfer to the Company the powers of the Burnham (Somerset) Pier Order 1906 to authorise the Barry Railway Company to subscribe to the capital of the Company and for other purposes. (*Burnham (Somerset) Pier.*)

lxvii. An Act to authorise the Hull and Barnsley Railway Company to construct a pier and railways at Hull and to purchase additional lands and for other purposes. (*Hull and Barnsley Railway.*)

lxviii. An Act to authorise the Southport Birkdale and West Lancashire Water Board to purchase certain waterworks from the Skelmersdale Urban District Council and for other purposes. (*Southport Birkdale and West Lancashire Water Board.*)

lxix. An Act to confer further powers upon the mayor aldermen and burgesses of the borough of Brighouse in regard to their electricity undertaking and to make further provision in regard to the health local government and improvement of the borough and for other purposes. (*Brighouse Corporation.*)

lxx. An Act to incorporate the President and Council of King Edward's Hospital Fund for London to provide for the management of the Fund and for other purposes. (*King Edward's Hospital Fund for London.*)

lxxi. An Act to extend the time limited by the Heywood and Middleton Water Board Act 1901 for the construction of waterworks to confer further powers upon the Heywood and Middleton Water Board with respect to their water undertaking and for other purposes. (*Heywood and Middleton Water Board.*)

lxxii. An Act to extend the time limited by the London United Tramways Act 1901 the London United Tramways Act 1902 and the London United Tramways Act 1904 for the construction of tramways and the acquisition of lands. (*London United Tramways.*)

lxxiii. An Act to confer further powers upon the Pontypridd Urban District Council in regard to the appropriation and use of lands to make further provision in regard to their gas undertaking and for other purposes. (*Pontypridd Urban District Council.*)

lxxiv. An Act to extend the limits of supply of the Wisbech Waterworks Company and to confer further powers upon that Company. (*Wisbech Water.*)

lxxv. An Act to authorise the union of the Methodist New Connexion the Bible Christians and the United Methodist Free Churches under the name of "The United Methodist Church" to deal with real and personal property belonging to the said churches or denominations to provide for the vesting of the said property in trust for the United Church so formed and for the assimilation of the trusts thereof and for other purposes. (*United Methodist Church.*)

lxxvi. An Act to revive and extend the powers for the purchase of lands and to extend the time limited for the completion of the railway and works authorised by the Great Northern and City Railway Act 1902 and for other purposes. (*Great Northern and City Railway.*)

lxxvii. An Act to authorise the mayor aldermen and burgesses of the borough of Rawtenstall to construct and work tramways and to provide and work omnibuses to confer further powers upon them in relation to their electricity and markets undertakings to authorise them to construct a street work and to acquire lands and to make further provision with regard to the health local government and improvement of the borough of Rawtenstall and for other purposes. (*Rawtenstall Corporation.*)

lxxviii. An Act to authorise the construction of new works and taking of lands by the Great Central Railway Company to sanction and confirm agreements between the Great Central Railway Company and the Blyton and Frodingham Light Railway and North Lindsey Light Railways Companies and to authorise the construction of new railways and wharves in the county of Lincoln by the North Lindsey Light Railways Company to authorise the construction of new railways by the Great Central Railway Company and the Great Northern Railway Company for the purposes of the West Riding and Grimsby Railways to make further provision with respect to the Great Western and Great Central Joint Railways and for other purposes. (*Great Central Railway.*)

lxxix. An Act to confer further powers upon the mayor aldermen and burgesses of the borough of Devonport with reference to their water undertaking and their electrical undertaking to make further and better provision with regard to the improvement health local government and finance of the said borough and for other purposes. (*Devonport Corporation.*)

lxxx. An Act to consolidate with Amendments and Additions the Provisions of the Acts relating to the Tees Valley Water Board. (*Tees Valley Water* (*Consolidation*).)

lxxxi. An Act to empower the Corporation of Leeds to construct additional waterworks and to acquire lands and for other purposes. (*Leeds Corporation.*)

lxxxii. An Act to transfer the powers of the Kendal Fell Trustees to the mayor aldermen and burgesses of the borough of Kendal to unite the townships within the borough into one parish to abolish certain differential rating and for other purposes. (*Kendal Corporation.*)

lxxxiii. An Act to confer further powers on the Central London Railway Company and for other purposes. (*Central London Railway.*)

lxxxiv. An Act to authorise the construction of further waterworks and the taking of water from the River Bure for the purpose of affording increased supplies of water by the Great Yarmouth Waterworks Company and the Lowestoft Water and Gas Company to confer further powers upon those Companies with reference to their respective undertakings and for other purposes. (*Great Yarmouth Waterworks and Lowestoft Water and Gas.*)

lxxxv. An Act for incorporating and conferring powers upon the Bude Gas Company. (*Bude Gas.*)

lxxxvi. An Act to confer further powers upon the urban district council of King's Norton and Northfield with respect to tramways and electric lighting and to make further and better provision for the good government of the said district and for other purposes. (*King's Norton and Northfield Urban District Council.*)

lxxxvii. An Act for conferring further powers upon the London and North Western Railway Company in relation to their own undertaking and upon that Company in conjunction with the Great Western Railway Company in relation to their joint undertaking for enabling the Company to work certain of their railways by electrical power and for other purposes. (*London and North Western Railway.*)

lxxxviii. An Act to authorise the urban district council of Penrith to construct additional waterworks to extend the limits of the Council for the supply of gas to enlarge the powers of the Council in regard to the supply of water and gas to confer further powers on the Council in regard to markets and for the utilisation of lands allotted under an Enclosure Award and to make further and better provision with regard to the improvement health local government and finance of the district and for other purposes. (*Penrith Urban District Council.*)

lxxxix. An Act to confer further powers upon the Worthing Gas Light and Coke Company. (*Worthing Gas.*)

xc. An Act to enable the Alton Military Hospital to be utilised for the purposes of a Cripples' Home and College. (*Alton Military Hospital.*)

xci. An Act for transferring to the Electric Supply Corporation Limited certain undertakings authorised under the Electric Lighting Acts 1882 and 1888 and for other purposes. (*Electric Supply Corporation Limited.*)

ROYAL ASSENT, 2nd August 1907.

xcii. An Act to confer further powers on the Ashton-under-Lyne Stalybridge and Dukinfield (District) Waterworks Joint Committee. (*Ashton-under-Lyne Stalybridge and Dukinfield (District) Waterworks.*)

xciii. An Act to authorise the Corporation of the City of Sheffield to construct additional tramways and to execute certain street widenings to confer on the Corporation further powers with respect to their water undertaking their markets undertaking and their electrical undertaking to make further provisions with respect to the regulation of traffic and sanitary matters in the City to amend divers provisions of the local Acts in force in the City and for other purposes. (*Sheffield Corporation.*)

xciv. An Act to provide for the granting of superannuation allowances to the Officers and Servants of the Council of the Royal Borough of Kensington and for other purposes. (*Kensington Borough Council (Superannuation).*)

xcv. An Act to authorise the Corporation of Tynemouth to construct additional works to borrow additional moneys and for other purposes. (*Tynemouth Corporation (Water).*)

xcvi. An Act for conferring powers on the Imperial Tramways Company Limited for constructing a tramway and widening and altering roads in the North Riding of the County of York and for other purposes. (*Middlesbrough Stockton-on-Tees and Thornaby Tramways.*)

xcvii. An Act to dissolve the Humber Conservancy Commissioners and the Humber Pilotage Commissioners and to incorporate the Humber Conservancy Board and to confer upon that Board the powers of the Humber Conservancy Commissioners and of the Humber Pilotage Commissioners certain powers of the Hull Trinity House the power to levy dues and other powers and for other purposes. (*Humber Conservancy.*)

xcviii. An Act to confer further powers upon the North Metropolitan Electric Power Supply Company and for other purposes. (*North Metropolitan Electric Power Supply.*)

xcix. An Act to confirm an Agreement relating to the supply of electricity in the borough of Richmond (Surrey) and for other purposes. (*Richmond (Surrey) Electricity Supply.*)

c. An Act to make further provision in regard to the electricity undertaking of the mayor aldermen and burgesses of the borough of Sunderland and the health local government and improvement of the borough and for other purposes. (*Sunderland Corporation.*)

ci. An Act to confer further powers on the mayor aldermen and citizens of the city of Coventry in relation to their water undertaking to authorise the supply to them of water by the lord mayor aldermen and citizens of the city of Birmingham to extend the area of supply under the Coventry Electric Lighting Order 1891 and for other purposes. (*Coventry Corporation.*)

cii. An Act to confer further powers upon the lord mayor aldermen and citizens of the city of Manchester with reference to the construction of tramways and street widenings and for other purposes. (*Manchester Corporation Tramways.*)

ciii. An Act to empower the North British Railway Company to construct a new dock a railway and other works at Methil to confer further powers on the North British Railway Company with reference to their undertaking and upon that Company the Caledonian Railway Company and the Lanarkshire and Dumbartonshire Railway Company with reference to undertakings in which those Companies are interested to authorise the Burntisland Harbour Commissioners to lease lands for graving dock and for other purposes. (*North British Railway.*)

civ. An Act to extend the time for the sale of certain lands reclaimed by the Tees Conservancy Commissioners to enable the Commissioners to establish a superannuation fund and for other purposes. (*Tees Conservancy.*)

cv. An Act for incorporating and conferring powers on the Annfield Plain and District Gas Company and for other purposes. (*Annfield Plain and District Gas.*)

cvi. An Act to make further provision in regard to the local government and improvement of the city of Kingston-upon-Hull and for other purposes. (*Kingston-upon-Hull Corporation.*)

cvii. An Act to empower the South Wales Mineral Railway Company to construct a deviation railway to abandon part of their existing railway to raise further money and for other purposes. (*South Wales Mineral Railway.*)

P. cviii. An Act to confirm certain Provisional Orders of the Local Government Board for Ireland relating to the rural district of Ballycastle the Bangor and Newtownards Joint Hospital District and the urban district of Dalkey. (*Local Government Board (Ireland) Provisional Orders Confirmation (No.* 1).)

P. cix. An Act to confirm certain Provisional Orders of the Local Government Board for Ireland relating to the rural districts of Rathdown (No. 1) Monaghan Balrothery and Belfast. (*Local Government Board (Ireland) Provisional Orders Confirmation (No.* 3).)

P. cx. An Act to confirm a Scheme approved and certified by the Board of Education under the Charitable Trusts Act 1853 relating to the Hulme Trust Estates (Educational). (*Board of Education Scheme (Hulme Trust Estates Educational Confirmation.*)

P. cxi. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Aberdeen Corporation. (*Aberdeen Corporation Order Confirmation.*)

P. cxii. An Act to confirm a Provisional Order made by the Board of Education under the Education Acts 1870 to 1903 to enable the London County Council to put in force the Lands Clauses Acts. (*Education Board Provisional Order Confirmation (London No.* 1).)

P. cxiii. An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Acts 1870 relating to Herts and Essex Water Mid-Kent Water and Twyford (Berks) Gas. (*Gas and Water Orders Confirmation (No.* 2).)

P. cxiv. An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts 1882 and 1888 relating to Castleford Egham Formby Grimsby (Extension) Liversedge Maldens and Coombe Mansfield (Extension to Mansfield Woodhouse) Paignton Selby and Stoke-upon-Trent (Extension). (*Electric Lighting Orders Confirmation (No.* 3).)

P. cxv. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Tralee and Fenit and Wicklow. (*Pier and Harbour Orders Confirmation (No.* 3).)

P. cxvi. An Act to confirm a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Southwold. (*Pier and Harbour Order Confirmation (No.* 4).)

P. cxvii. An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to Audenshaw Urban District Council Tramway Huddersfield Corporation Tramway Leeds Corporation Tramways Taunton Tramways (Extension) and West Ham Corporation Tramways. (*Tramways Orders Confirmation.*)

Royal Assent, 9th August 1907.

P. cxviii. An Act to confirm a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Pwllheli. (*Pier and Harbour Order Confirmation* (*No.* 1).)

P. cxix. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Fleetwood Portsmouth and Sennen. (*Pier and Harbour Orders Confirmation* (*No.* 2).)

P. cxx. An Act to confirm a Scheme of the Charity Commissioners for the management of the Charity consisting of the Particular or Calvinistic Baptist Chapel in South Parade in the city of Leeds. (*Leeds Particular or Calvinistic Baptist Chapel in South Parade Scheme Confirmation.*)

P. cxxi. An Act to confirm a Scheme of the Charity Commissioners for the management of the Charity consisting of the Whitfield Tabernacle Schoolroom and trust property in the parish of Kingswood in the county of Gloucester. (*Kingswood Whitfield Tabernacle Scheme Confirmation.*)

P. cxxii. An Act to confirm a Scheme of the Charity Commissioners for the management of the Charity consisting of the Congregational Chapel in Caroline Street in the borough of Longton in the county of Stafford. (*Longton Congregational Chapel in Caroline Street Scheme Confirmation.*)

cxxiii. An Act to confer further powers upon the Portishead District Water Company and for other purposes. (*Portishead District Water.*)

cxxiv. An Act for making railways and piers in the counties of Sligo and Mayo to be called the Collooney Ballina and Belmullet Railways and Piers and for other purposes. (*Collooney Ballina and Belmullet Railways and Piers.*)

cxxv. An Act to authorise the Lancashire and Yorkshire Railway Company to construct a new railway to widen certain existing railways and to construct other works to acquire additional lands and for other purposes. (*Lancashire and Yorkshire Railway.*)

cxxvi. An Act to authorise the urban district council of Broadstairs and St. Peter's to construct additional waterworks and to confer on the Council further powers in relation to their waterworks undertaking and for other purposes. (*Broadstairs and St. Peter's Urban District Water.*)

cxxvii. An Act to confer further powers on the Western Valleys (Monmouthshire) Sewerage Board to make the Bedwellty and Tredegar Urban District Councils constituent authorities and for other purposes. (*Western Valleys (Monmouthshire) Sewerage Board.*)

cxxviii. An Act to amend the Acts for appointing a Stipendiary Justice of the Peace for the parish of Merthyr Tydfil and adjoining places to provide for the application of those Acts in the event of the grant of a separate Commission of the Peace for the borough of Merthyr Tydfil and for other purposes. (*Merthyr Tydfil Stipendiary Justice.*)

cxxix. An Act to incorporate the Selsey Water Company and to enable that Company to supply water in certain parishes in the county of Sussex. (*Selsey Water.*)

cxxx. An Act to confer additional powers upon the Midland Railway Company and upon that Company and the Great Western Railway Company and upon the South Yorkshire Joint Line Committee and upon the Cheshire Lines Committee for the construction of works and the acquisition of lands to make provision for transferring the Limavady and Dungiven Railway to the Midland Railway Company and to confer powers upon that Company and the Great Central and Hull and Barnsley Railway Companies with respect to certain authorised railways of the Great Central and Hull and Barnsley Railway Companies and for other purposes. (*Midland Railway.*)

cxxxi. An Act for empowering the Corporation of the county borough of Birkenhead to obtain a supply of water from the Rivers Alwen and Brenig in the county of Denbigh and for other purposes. (*Birkenhead Corporation Water.*)

ROYAL ASSENT, 21st August 1907.

P. cxxxii. An Act to enable His Majesty's Postmaster-General to acquire lands in London Chester Bournemouth Eastbourne and Southgate for the public service and for other purposes. (*Post Office (Sites).*)

P. cxxxiii. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Paisley Corporation. (*Paisley Corporation Order Confirmation.*)

P. cxxxiv. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the Burgh of Leith. (*Leith Burgh Order Confirmation.*)

cxxxv. An Act to confer further powers on the lord provost magistrates and town council of the city and royal burgh of Aberdeen in connection with their electricity undertaking and for other purposes. (*Aberdeen Corporation Electricity.*)

cxxxvi. An Act to incorporate and confer powers upon the National Trust for Places of Historic Interest or Natural Beauty. (*National Trust.*)

cxxxvii. An Act for incorporating and conferring powers on the Llandrindod Wells Gas Company and for other purposes. (*Llandrindod Wells Gas.*)

cxxxviii. An Act to regulate the expenditure of money by the London County Council on capital account during the current financial period and the raising of money to meet such expenditure and for other purposes. (*London County Council (Money).*)

cxxxix. An Act to extend the time for the compulsory purchase of lands for and for the construction of the Neath Pontardawe and Brynaman Railway and for other purposes. (*Neath Pontardawe and Brynaman Railway.*)

cxl. An Act to provide for the union of the parishes in the City of London into one parish and to make better provision for the local government of the said City and for other purposes. (*City of London (Union of Parishes).*)

cxli. An Act to authorise the Swansea Harbour Trustees to further extend the west pier of Swansea Harbour and to construct a breakwater on the eastern side of the entrance channel of the said harbour and for other purposes. (*Swansea Harbour.*)

cxlii. An Act to vest the existing tramways in the city of Oxford in the City of Oxford Electric Tramways Limited and to authorise that Company to remove and reconstruct the same and to construct additional tramways in and adjacent to the city and for other purposes. (*Oxford and District Tramways.*)

cxliii. An Act to empower the District Committee of the First or Upper District of the County of Renfrew to construct and maintain waterworks and to supply water within their district to authorise the county council of the county of Renfrew to acquire the undertaking of the Busby Water Company and other lands and servitudes for the purposes of such water supply to authorise and require the said county council to levy assessments and to borrow money for such waterworks undertaking and supply to authorise the county council to acquire land for sewage purification works and for other purposes. (*Renfrewshire Upper District (Eastwood and Mearns) Water.*)

cxliv. An Act to empower the London County Council to construct and work new tramways and to alter and reconstruct existing tramways and make street improvements and other works in the county of London and for other purposes. (*London County Council (Tramways and Improvements).*)

cxlv. An Act to confer further powers on the Colne Valley Water Company for the raising of capital and for other purposes. (*Colne Valley Water.*)

cxlvi. An Act to authorise the Corporation of the city of Glasgow to construct new tramways and a storm-water overflow to extend the period for the construction of sewage works and the acquisition of properties to make provision with reference to the testing of the illuminating power of the gas supply the stand-by supply of electrical energy the police courts the sale of coal weights and measures the filling up of casual vacancies in the Corporation the meetings of the Corporation the representation of the Corporation in the Convention of Royal Burghs of Scotland the borrowing of further moneys for the tramways and the sewage undertakings of the Corporation and for other purposes. (*Glasgow Corporation.*)

cxlvii. An Act to confer further powers upon the North Staffordshire Railway Company to confirm an agreement for the purchase by that Company of the railway of the Cheadle Railway Company Limited and for other purposes. (*North Staffordshire Railway.*)

cxlviii. An Act for empowering the urban district council of Armagh to acquire the undertaking of the Armagh Toll Committee for extinguishing the Council's liability to pay an annual road contribution to the Armagh County Council for making further provision for the health and improvement of the district and for other purposes. (*Armagh Urban District Council.*)

ROYAL ASSENT, 28th August 1907.

P. cxlix. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Dumbarton Burgh and County Tramways. (*Dumbarton Burgh and County Tramways Order Confirmation.*)

P. cl. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the Burgh of Dumbarton. (*Dumbarton Burgh Order Confirmation.*)

P. cli. An Act to confirm certain Provisional Orders of the Local Government Board relating to Barnsley Neath West Ham and Wood Green. (*Local Government Board's Provisional Orders Confirmation (No. 1).*)

P. cliii. An Act to confirm certain Provisional Orders of the Local Government Board relating to Birkenhead Lincoln Milford Haven Shipley and Warrington. (*Local Government Board's Provisional Orders Confirmation* (*No.* 2).)

P. cliii. An Act to confirm certain Provisional Orders of the Local Government Board relating to Brumby and Frodingham the Appleby Joint Cemetery District and the Rugby Joint Hospital District. (*Local Government Board's Provisional Orders Confirmation* (*No.* 3).)

P. cliv. An Act to confirm certain Provisional Orders of the Local Government Board relating to Bath Handforth Liverpool Nantwich Penryn Pontardawe (Rural) Sheffield and the South Staffordshire Joint Small-pox Hospital District. (*Local Government Board's Provisional Orders Confirmation* (*No.* 4).)

P. clv. An Act to confirm certain Provisional Orders of the Local Government Board relating to Chester Chorley Fenton Hanwell Rochford (Rural) Scunthorpe and the Thornton Joint Hospital District. (*Local Government Board's Provisional Orders Confirmation* (*No.* 5).)

P. clvi. An Act to confirm certain Provisional Orders of the Local Government Board relating to Dunstable and the Counties of West Suffolk and East Sussex and West Sussex. (*Local Government Board's Provisional Orders Confirmation* (*No.* 6).)

P. clvii. An Act to confirm certain Provisional Orders of the Local Government Board relating to Barnstable Coventry Honiton and Wallasey. (*Local Government Board's Provisional Order Confirmation* (*No.* 7).)

P. clviii. An Act to confirm certain Provisional Orders of the Local Government Board relating to Chelmsford and Merthyr Tydfil. (*Local Government Board's Provisional Orders Confirmation* (*No.* 8).)

P. clix. An Act to confirm certain Provisional Orders of the Local Government Board relating to Hertford the Goole Joint Hospital District and the Oakengates and Dawley Joint Water Board. (*Local Government Board's Provisional Orders Confirmation* (*No.* 9).)

P. clx. An Act to confirm certain Provisional Orders of the Local Government Board relating to Bradford (Yorks) Northampton and Wigan. (*Local Government Board's Provisional Orders Confirmation* (*No.* 10).)

P. clxi. An Act to confirm certain Provisional Orders of the Local Government Board relating to Evesham Melton Mowbray the Dewsbury Joint Hospital District and the Mid-Sussex Joint Water District. (*Local Government Board's Provisional Orders Confirmation* (*No.* 11).)

P. clxii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Borough of East Ham and Urban Districts of Barking Town and Ilford and the Borough of Sunderland. (*Local Government Board's Provisional Orders Confirmation* (*No.* 12).)

P. clxiii. An Act to confirm certain Provisional Orders of the Local Government Board relating to Norwich and the Counties of London and Middlesex. (*Local Government Board's Provisional Orders Confirmation* (*No.* 13).)

P. clxiv. An Act to confirm certain Provisional Orders of the Local Government Board relating to Portsmouth and the Waltham Joint Hospital District. (*Local Government Board's Provisional Orders Confirmation* (*No.* 14).)

P. clxv. An Act to confirm a Provisional Order of the Local Government Board relating to Manchester. (*Local Government Board's Provisional Order Confirmation* (*No.* 15).)

P. clxvi. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the Caledonian Railway. (*Caledonian Railway Order Confirmation.*)

P. clxvii. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Kilmarnock Corporation Water. (*Kilmarnock Corporation Water Order Confirmation.*)

P. clxviii. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the Inverness Royal Academy and Educational Endowments. (*Inverness Royal Academy Order Confirmation.*)

P. clxix. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Aberdeen Harbour. (*Aberdeen Harbour Order Confirmation.*)

P. clxx. An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Lanarkshire County Council. (*Lanarkshire County Council Order Confirmation.*)

clxxi. An Act to provide for uniform scales of charges for water applicable throughout the limits of supply of the Metropolitan Water Board and for other purposes. (*Metropolitan Water Board* (*Charges*).)

clxxii. An Act to empower the Alexandra (Newport and South Wales) Docks and Railway Company to raise additional capital for the construction and completion of the dock extension and other works in connection therewith authorised by the Alexandra (Newport and South Wales) Docks and Railway Acts 1904 and 1906 and for the general purposes of their undertaking. (*Alexandra* (*Newport and South Wales*) *Docks and Railway* (*Additional Capital &c.*).)

clxxiii. An Act to enable the Barry Railway Company to construct new railways and for other purposes. (*Barry Railway.*)

clxxiv. An Act to empower the Metropolitan Water Board to make waterworks and other works and to acquire lands and for other purposes. (*Metropolitan Water Board* (*Various Powers*).)

clxxv. An Act to empower the London County Council to execute works and acquire lands to make provisions for the health and well-being of the inhabitants of the county of London to confer powers upon the Council of the Metropolitan Borough of Camberwell and for other purposes. (*London County Council* (*General Powers*).)

clxxvi. An Act to enable the lord mayor aldermen and citizens of the City of York to acquire the rights of the freemen and others in or in respect of certain lands or strays known as the Micklegate Strays and to make provision for the management thereof and for other purposes. (*York* (*Micklegate Strays*).)

PRIVATE ACTS.

Not Printed.

Royal Assent, 29th April 1907.

An Act to dissolve the marriage of Charles Edward Galwey a Captain in the Royal Irish Regiment with Annie Louise Galwey his now wife and to enable him to marry again and for other purposes. (*Galwey's Divorce.*)

An Act to dissolve the marriage of Henry Morgan Byrne barrister-at-law with Edith Laura Byrne his now wife and to enable him to marry again and for other purposes. (*Byrne's Divorce.*)

Royal Assent, 4th July 1907.

An Act to authorise Raymond Hill Baines to assume and bear the Christian names of Henry Rodd in lieu of the Christian names of Raymond Hill. (*Baines Name.*)

An Act to remove doubts as to the validity of a certain decree dated thirtieth October one thousand eight hundred and ninety-three of the High Court of Justice (Probate Divorce and Admiralty Division) dissolving the marriage solemnized on the sixteenth day of November one thousand eight hundred and eighty between William Howard Murphy Grimshaw and Mary Evalina Julia Murphy Grimshaw then Mary Evalina Julia Woodward spinster and to confirm the said decree. (*Murphy Grimshaw's Divorce* (*Validation*).)

ROYAL ASSENT, 26th July 1907.

An Act to dissolve the marriage of Lida Eleanor Purcell FitzGerald with Gerald Purcell FitzGerald her present husband and to enable her to marry again and for other purposes. (*FitzGerald's Divorce.*)

An Act to dissolve the marriage of Gwenllian Pascoe Killery the wife of St. John Brown Killery a Captain in the Royal Army Medical Corps with the said St. John Brown Killery and to enable her to marry again and for other purposes. (*Killery's Divorce.*)

ROYAL ASSENT, 2nd August 1907.

An Act to declare legitimate certain children of Thomas Hamilton Sabine Pasley. (*Pasley Children Legitimisation.*)

TABLE IIA.

A

TABLE

OF

The Titles of the Local and Private Acts (including the Public Acts of a Local Character) passed during the Session 7 EDWARD 7.—A.D. 1907.

ARRANGED ALPHABETICALLY.

Aberdeen Corporation Electricity. c. cxxxv.
——————— Order Confirmation. c. cxi.
Aberdeen Harbour Order Confirmation. c. clxix.
Alexandra (Newport and South Wales) Docks and Railway (Additional Capital &c.) c. clxxii.
Alton Military Hospital. c. xc.
Annfield Plain and District Gas. c. cv.
Apothecaries. c. xxii.
Armagh Urban District Council. c. cxlviii.
Ashton-under-Lyne Stalybridge and Dukinfield (District) Waterworks. c. xcii.

Baines Name.
Barry Railway. c. clxxiii.
Basingstoke Gas. c. vi.
Birkenhead Corporation Water. c. cxxxi.
Birmingham Corporation. c. xviii.
——————— Water. c. xli.
Board of Education Scheme (Hulme Trust Estates Educational) Confirmation. c. cx.
Borax Consolidated Limited. c. xiii.
Boston Spa Gas. c. xxxvii.
Brecon and Merthyr Railway. c. xxviii.
Brighouse Corporation. c. lxix.

Bristol Corporation. c. xxiv.
Broadstairs and St. Peter's Urban District Water. c. cxxvi.
Brockenhurst Gas. c. xxxvi.
Bude Gas. c. lxxxv.
Burnham (Somerset) Pier. c. lxvi.
Burnley Corporation. c. xxv.
Byrne's Divorce.

Caledonian Railway Order Confirmation. c. clxvi.
Canal Tolls and Charges (New Junction Canal) Order Confirmation. c. l.
Central London Railway. c. lxxxiii.
City of London (Union of Parishes). c. cxl.
Clyde Navigation Order Confirmation. c. lxi.
Collooney Ballina and Belmullet Railways and Piers. c. cxxiv.
Colne Valley Water. c. cxlv.
Coventry Corporation. c. ci.

Devonport Corporation. c. lxxix.
Dumbarton Burgh Order Confirmation. c. cl.
——————— and County Tramways Order Confirmation. c. cxlix.
Dundee Corporation Order Confirmation. c. lxii.

Education Board Provisional Orders Confirmation :—
(London No. 1). c. cxii.
(——— No. 2). c. lx.
(Surrey &c.) c. lix.
Electric Lighting Orders Confirmation :—
(No. 1). c. liv.
(No. 2). c. lv.
(No. 3). c. cxiv.
(No. 4). c. lvi.
(No. 5). c. lvii.
Electric Supply Corporation Limited. c. xci.

Falmouth Gas. c. vii.
FitzGerald's Divorce.
Folkestone Sandgate and Hythe Tramways. c. xiv.

Galwey's Divorce.
Gas Companies (Removal of Sulphur Restrictions). c. v.
Gas and Water Orders Confirmation (No. 1). c. lxiii.
——————————————— (No. 2). c. cxiii.

General Accident Fire and Life Assurance Corporation. c. xliv.
Glasgow Corporation. c. cxlvi.
Grays and Tilbury Gas. c. xxxv.
Great Central Railway. c. lxxviii.
Great Northern and City Railway. c. lxxvi.
Great Yarmouth Port and Haven. c. xlii.
———— Waterworks and Lowestoft Water and Gas. c. lxxxiv.

Harrison's Patent. c. xxxviii.
Heywood and Middleton Water Board. c. lxxi.
Hull and Barnsley Railway. c. lxvii.
Humber Conservancy. c. xcvii.

Inverness Royal Academy Order Confirmation. c. clxviii.

Kendal Corporation. c. lxxxii.
Kensington Borough Council (Superannuation). c. xciv.
Keswick Urban District Council (Water). c. xxvii.
Killery's Divorce.
Kilmarnock Corporation Water Order Confirmation. c. clxvii.
King Edward's Hospital Fund for London. c. lxx.
King's Norton and Northfield Urban District Council. c. lxxxvi.
Kingston-upon-Hull Corporation. c. cvi.
Kingswood Whitfield Tabernacle Scheme Confirmation. c. cxxi.

Ladybank Sewerage Drainage and Water Order Confirmation. c. lviii.
Lanarkshire County Council Order Confirmation. c. clxx.
Lancashire and Yorkshire Railway. c. cxxv.
Land Drainage Provisional Orders Confirmation:—
(No. 1). c. li. | (No. 2). c. lii.
Leeds Corporation. c. lxxxi.
Leeds Particular or Calvinistic Baptist Chapel in South Parade Scheme Confirmation. c. cxx.
Leith Burgh Order Confirmation. c. cxxxiv.
Llandrindod Wells Gas. c. cxxxvii.

Local Government Board's Provisional Orders Confirmation:—

(No. 1). c. cli.
(No. 2). c. clii.
(No. 3). c. cliii.
(No. 4). c. cliv.
(No. 5). c. clv.
(No. 6). c. clvi.
(No. 7). c. clvii.
(No. 8). c. clviii.
(No. 9). c. clix.
(No. 10). c. clx.
(No. 11). c. clxi.
(No. 12). c. clxii.
(No. 13). c. clxiii.
(No. 14). c. clxiv.
(No. 15). c. clxv.

Local Government Board (Ireland) Provisional Orders Confirmation:—

(No. 1). c. cviii.
(No. 2). c. liii.
(No. 3). c. cix.

London County Council (General Powers). c. clxxv.
——————— (Money). c. cxxxviii.
——————— (Tramways and Improvements). c. cxliv.

London Government Scheme (Southwark Borough Market) Confirmation. c. xlvi.

London United Tramways. c. lxxii.

London and North Western Railway. c. lxxxvii.
——————————(Superannuation Fund). c. xi.

Longton Congregational Chapel in Caroline Street Scheme Confirmation. c. cxxii.

Maidstone Gas. c. xxiii.

Manchester Corporation Tramways. c. cii.

Manchester Ship Canal (Bridgewater Canal). c. xv.
——————— (Various Powers). c. xxx.

Medway Lower Navigation. c. iv.

Merthyr Tydfil Stipendiary Justice. c. cxxviii.

Metropolitan Police Provisional Order Confirmation. c. xlviii.

Metropolitan Railway (Pension Fund). c. xxxiii.

Metropolitan Water Board (Charges). c. clxxi.
——————— (Various Powers). c. clxxiv.

Middlesbrough Corporation (Transporter Bridge). c. xx.

Middlesbrough Stockton-on-Tees and Thornaby Tramways. c. xcvi.

Midland Railway. c. cxxx.

Mitcham and Wimbledon Gas. c. xvii.
Murphy Grimshaw's Divorce (Validation).

National Trust. c. cxxxvi.
Neath Pontardawe and Brynaman Railway. c. cxxxix.
Newquay and District Water. c. xix.
North British Railway. c. ciii.
North East London Railway. c. x.
North Metropolitan Electric Power Supply. c. xcviii.
North Staffordshire Railway. c. cxlvii.

Ocean Accident and Guarantee Corporation Limited. c. xlv.
Oregon Mortgage Company Limited Order Confirmation. c. xlix.
Oxford and District Tramways. c. cxlii.

Paisley Corporation Order Confirmation. c. cxxxiii.
Pasley Children Legitimisation.
Penrith Urban District Council. c. lxxxviii.
Pier and Harbour Orders Confirmation:—

(No. 1). c. cxviii.	(No. 3). c. cxv.
(No. 2). c. cxix.	(No. 4). c. cxvi.

Plymouth and North Devon Direct Railway (Abandonment). c. xii.
Pontypridd Urban District Council. c. lxxiii.
Port Talbot Railway and Docks. c. xxix.
Portishead District Water. c. cxxiii.
Portobello and Musselburgh Tramways (Levenhall Extension) Order Confirmation. c. lxiv.
———————————— (Port Seton Deviation) Order Confirmation. c. i.
Post Office (Sites). c. cxxxii.
Provisional Order (Marriages) Confirmation. c. xlvii.

Rawtenstall Corporation. c. lxxvii.
Renfrewshire Upper District (Eastwood and Mearns) Water. c. cxliii.
Richmond (Surrey) Electricity Supply. c. xcix.
Royal Bank of Scotland. c. xxi.
Royal Insurance Company's. c. ii.

St. Neot's Urban District Council. c. xxxix.
Selsey Water. c. cxxix.
Shanklin Gas. c. xxxi.
Sheffield Corporation. c. xciii.
Simon-Carves Bye-Product Coke Oven Construction and Working Company Limited. c. xxxiv.
South Eastern and London Chatham and Dover Railways. c. xxxii.
South Wales Mineral Railway. c. cvii.
Southend Waterworks. c. lxv.
Southport Birkdale and West Lancashire Water Board. c. lxviii.
Staveley Coal and Iron Company Limited. c. viii.
Sunderland Corporation. c. c.
Sutton Coldfield Rectory. c. xl.
Swansea Harbour. c. cxli.

Taff Vale Railway. c. xliii.
Tees Conservancy. c. civ.
Tees Valley Water (Consolidation). c. lxxx.
Tramways Orders Confirmation. c. cxvii.
Tyne Improvement. c. xxvi.
Tynemouth Corporation Water. c. xcv.

United Methodist Church. c. lxxv.

West Riding Tramways. c. iii.
West Yorkshire Tramways. c. xvi.
Western Valleys (Monmouthshire) Sewerage Board. c. cxxvii.
Weston-super-Mare Grand Pier. c. ix.
Wisbech Water. c. lxxiv.
Worthing Gas. c. lxxxix.

York (Micklegate Strays). c. clxxvi.

TABLE III.

Showing the Effect of the Year's Legislation.

ACTS OF FORMER SESSIONS (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ACTS OF 7 EDW. 7.*

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 7 Edw. 7.
31 Eliz. c. 5	Informers	S. 5 restricted	13, s. 23 (1).
12 Car. 2. c. 34	Tobacco Planting	Rep. in part prosp.	3, s. 1 (1).
15 Car. 2. c. 7	Tobacco Planting	Rep. in part prosp.	3, s. 1 (1).
Parlt. of Scotland, 1695. c. 38	Division of Commonties	Amended	51, s. 5 (3).
Parlt. of Scotland 1696. c. 25	Blank Bonds and Trusts	Amended as to debentures	50, s. 36.
7 & 8 Will. 3. c. 3	Treason	S. 9 rep. in part	23, s. 22, Sch.
20 Geo. 2. c. 43	Heritable Jurisdictions (S.)	S. 29 repealed	51, s. 52, Sch. II.
21 Geo. 2. c. 19	Sheriffs (S.)	Ss. 10, 11 repealed	51, s. 52, Sch. II.
28 Geo. 2. c. 7	Sheriffs (S.)	Repealed	51, s. 52, Sch. II.
50 Geo. 3. c. 112	Court of Session	Ss. 36–38, 40, rep., so far as they relate to Sheriff Courts.	51, s. 52, Sch. II.
58 Geo. 3. c. 28	Strength of Spirits (Ascertainment).	Ss. 2, 3 amended	13, s. 4 (2).
6 Geo. 4 : c. 23	Sheriff Courts (S.)	Ss. 1, 3–5, 8 rep., so far as they relate to civil causes in Sheriff Court; s. 10 rep.	51, s. 52, Sch. II.
c. 120	Court of Session	S. 40 rep., so far as it relates to appeal for Jury Trial from Sheriff Court to Court of Session.	51, s. 52, Sch. II.
9 Geo. 4. c. 29	Circuit Courts (S.)	S. 22 repealed	51, s. 52, Sch. II.
11 Geo. 4. and 1 Will. 4. c. 69.	Court of Session	Ss. 22–24, 32 rep.; s. 33 rep. in part.	51, s. 52, Sch. II.
1 & 2 Will. 4. c. 13	Tobacco Cultivation	Rep. in part prosp.	3, s. 1 (1).
2 & 3 Will. 4. c. 65	Representation of People (S.)	S. 36 rep., so far as it relates to sheriff and sheriff substitute.	51, s. 52, Sch. II.

* Acts continued annually by the Expiring Laws Continuance Act are not noticed in this Table.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 7 Edw. 7.
3 & 4 Will. 4. c. 48	London Hackney Carriage -	S. 7 repealed - -	55, s. 6 (2).
7 Will. 4. & 1 Vict. c. 41.	Small Debt (S.) - -	Ss. 2, 4–6, 9, 22, 36, Sch. (C.), amended.	51, s. 42.
1 & 2 Vict.: c. 114	Debtors (S.) - -	Ss. 10, 11 restricted; s. 19 repealed.	51, ss. 46, 52, Sch. II.
1 & 2 Vict.: c. 119	Sheriff Courts (S.) - -	Rep., except ss. 25, 27, 28, and s. 31, so far as that section relates to Courts other than Sheriff Courts.	51, s. 52, Sch. II.
4 & 5 Vict. c. 38	School Sites - -	S. 14 amended - -	43, s. 2.
5 & 6 Vict.: c. 35	Income Tax - - -	Ss. 48, 55 ext.; s. 40 am. as to companies; s. 100 rep. in part; s. 133 rep. [*but see Terms*].	13, ss. 21 (1), 22, 24 (1), 30 (1), Sch. III.
c. 47	Customs - - -	S. 59 restricted - -	8, s. 1 (1).
c. 76	Australian Constitutions - -	S. 33 extended - -	7, s. 1 (3).
6 & 7 Vict. c. 86	London Hackney Carriages -	S. 2 amended - -	55, s. 3.
11 & 12 Vict. c. 78	Crown Cases - - -	Ss. 3, 5 repealed - -	23, s. 22, Sch.
16 & 17 Vict. c. 80	Sheriff Courts (S.) - - -	Repealed, except. s. 34 -	51, s. 52, Sch. II.
18 & 19 Vict. c. 131	School Grants - - -	S. 1 amended - -	43, s. 2.
20 & 21 Vict. c. 85	Matrimonial Causes - -	S. 32 repealed - -	12, s. 2.
21 & 22 Vict.: c. 100	Petty Sessions Clerk (I.) -	Ss. 12, 29 ext. to clerks' assistants.	22, s. 1.
c. 106	Government of India - -	Ss. 10, 13 amended -	35, ss. 2, 3.
24 & 25 Vict. c. 47	Harbours and Passing Tolls, &c.	Part I. am. as to Ireland	36, s. 7.
25 & 26 Vict. c. 89	Companies - - -	Am.; ss. 26, 28, 32, 43, 51, 56 (2), 143 am.; s. 44 restricted; s. 53 app. with mod.; ss. 49, 65 rep.; ss. 51, 129 rep. in part.	50, ss. 10 (8), 17, 20, 24 (1), 25, 26, 40, 44, 45, 50, 51, Schs. III., IV.
26 & 27 Vict.: c. 108	Vaccination (S.) - -	Ss. 17, 18 restricted -	49, s. 1 (1).
27 & 28 Vict.: c. 106	Sheriffs Substitute - - -	Repealed - -	51, s. 52, Sch. II.
28 & 29 Vict.: c. 30	Revenue - - -	S. 6 repealed - -	13, ss. 24 (1), 30 (1), Sch. III.
29 & 30 Vict.: c. 32	Matrimonial Causes - -	S. 1 repealed - -	12, s. 2.
c. 40	Drainage and Improvement of Land (I.).	S. 5 rep. in part - -	36, s. 8.
30 & 31 Vict.: c. 3	British North America - -	S. 118 repealed - -	11, s. 1 (5).
c. 96	Debts Recovery (S.) - -	Repealed - - -	51, s. 52, Sch. II.
c. 131	Companies - - -	S. 16 amended - -	50, s. 50, Sch. III.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 7 Edw. 7.
31 & 32 Vict. :			
c. 100	Court of Session	Ss. 65–70, 73, 79 rep. so far as they relate to appeals from Sheriff Courts.	51, s. 52, Sch. II.
32 & 33 Vict. :			
c. 67	Valuation (Metropolis)	S. 5 amended	cxl., s. 14 (*Local*).
c. 97	Government of India	S. 2 amended	35, s. 4.
c. 115	Metropolitan Public Carriages	S. 5 amended	55, s. 3.
33 & 34 Vict. :			
c. 61	Life Assurance Companies	Ext. to companies insuring employers against liabilities to workmen.	46, s. 1.
c. 75	Elementary Education	S. 74 virtually amended	43, s. 14 (1).
c. 78	Tramways	S. 48 extended	55, s. 5.
c. 86	Sheriff Courts (S.)	Ss. 13, 14 repealed	51, s. 52, Sch. II.
c. 104	Joint Stock Companies Arrangement.	Applied with mods.	50, s. 38.
34 & 35 Vict. c. 58	Life Assurance Companies	Ext. to companies insuring employers against liabilities to workmen.	46, s. 1.
35 & 36 Vict. c. 41	Life Assurance Companies	Ext. to companies insuring employers against liabilities to workmen.	46, s. 1.
36 & 37 Vict. c. 66	Supreme Court of Judicature	S. 47 amended	23, s. 20 (4).
37 & 38 Vict. c. 34	Apothecaries	S. 4 amended	xxii., s. 6 (*Local*).
38 & 39 Vict. :			
c. 45	Sinking Fund	S. 1 amended	13, s. 29.
c. 55	Public Health	Ss. 41, 112, 126 (par. 2), am.; ss. 124, 157, 176 ext.; s. 175 am. and ext.; ss. 102, 103, 257 applied with mods.; s. 78 rep. in part prosp. [*but see Terms*]; s. 88 rep. prosp. [*but see Terms*]; s. 132 restricted.	53, ss. 24, 34, 40 (3), 41, 51, 60, 62, 65, 75 (2), 95.
		Ss. 242, 243 applied with mods.	54, s. 20 (5).
c. 77	Supreme Court of Judicature	S. 19 repealed in part	23, s. 22, Sch.
c. 81	Sheriffs Substitute (S.)	Ss. 1, 2 repealed	51, s. 52, Sch. II.
39 & 40 Vict. :			
c. 7	Council of India	Repealed	35, s. 5.
c. 70	Sheriff Courts (S.)	Ss. 4–25, 27–34, 46–52, Schs. rep.; s. 54 rep., except so far as it relates to commissary regulations.	51, s. 52, Sch. II.
c. 79	Elementary Education	Ss. 9, 11 virtually amended	43, s. 14 (1).
40 & 41 Vict. :			
c. 2	Treasury Bills	S. 6 restricted	1, s. 3 (2); 20, s. 2 (2).
c. 49	General Prisons (I.)	S. 57 applied	19, s. 2.
c. 50	Sheriff Courts (S.)	Repealed	51, s. 52, Sch. II.
c. 68	Destructive Insects	Extended to all pests	4, s. 1 (1).
42 & 43 Vict. :			
c. 21	Customs and Inland Revenue	S. 18 am., as to companies	13, s. 22 (2).
c. 22	Prosecution of Offences	S. 2 applied	23, s. 12.
c. 49	Summary Jurisdiction	S. 16 repealed	17, s. 10 (1), Sch.
c. 76	Companies	S. 5 am.; s. 7 rep. in part	50, s. 50, Sch. III.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 7 Edw. 7.
43 & 44 Vict. :			
c. 19	Taxes Management	S. 21 (4) restricted; ss. 52, 63 (1) (5) am.	13, s. 23 (1) (2).
c. 24	Spirits	S. 134 amended	13, s. 4 (2).
44 & 45 Vict. :			
c. 58	Army	Ss. 43, 44 (prov. 9, 10), 46 (2), (3), (6), 49 (1) (*d*), 74, 133, 138, 183 (2) (4), Sch. II. (Pt. I. (3)) am.; ss. 44 (prov. 5–8), 135A, 180 (2) (*e*), Sch. II. (Pt. I. (2)) rep. [*See also* 7 Edw. 7, c. 2, s. 9 (1), Sch. III. *for numerous modifications not here noticed.*]	2, ss. 4–10, Schs. II., III.
		Ss. 13 (1) (*a*) (*b*), 115 (7) (8), 175, 176, 181 (4) (6), 190 (12) am.; ss. 33, 72, 80, 96, 98–101, 153, 154, 163, 164, 166–168 applied with mods. to Territorial Force.	9, ss. 10, 20 (2), 24 (3) (4), 26, 28 (1), 32 (3), Sch. I.
c. 68	Supreme Court of Judicature	S. 15 repealed	23, s. 22, Sch.
45 & 46 Vict. :			
c. 48	Reserve Forces	Ss. 3, 6 (4), 11–13 am., as to special reservists.	9, ss. 30 (1) (3), 32 (1), 35.
c. 62	Public Works Loans	S. 7 amended	36, s. 7.
c. 75	Married Women's Property	Amended	18, ss. 2, 3.
46 & 47 Vict :			
c. 30	Companies (Colonial Registers)	Explained	50, s. 43.
c. 55	Revenue	S. 10 restricted	8, s. 1 (1).
		S. 10 (2) amended	13, s. 5.
c. 57	Patents, Designs and Trade Marks.	Rep.; except ss. 26 (5)–(7), 29, 47 (2), (3), 48, which are rep. prosp.	29, s. 98 (1), Sch. II.
c. 61	Agricultural Holdings	S. 41 ext. to Small Holdings.	54, s. 38.
48 & 49 Vict. c. 63	Patents, Designs and Trade Marks (Amendment).	Repealed	29, s. 98 (1), Sch. II.
49 & 50 Vict. c. 37	Patents	Repealed	29, s. 98 (1), Sch. II.
50 & 51 Vict. :			
c. 16	National Debt and Local Loans	S. 15 applied	36, s. 2.
c. 25	Probation of First Offenders	Repealed	17, s. 10 (1), Sch.
c. 26	Allotments and Cottage Gardens, &c.	S. 4 extended	54, s. 35 (3).
c. 29	Margarine	S. 3 am.; ss. 5, 11, 12 applied with mods.; s. 8 am. (except as to London) and ext.; s. 9 ext. with mods.	21, ss. 1 (1), 9 (2), 11 (2), 12, 13.
c. 48	Allotments	Am.; s. 7 (3) am.; s. 11 (2) applied; ss. 3 (2), (3), 4, 7 (5), 9, 10 (2), (3), (6), 14 rep.; ss. 11 (2), 12 rep. in part; s. 3 (4)–(8), rep. [*but see Terms*]; s. 10 (1) (4) (5) rep. [except so far as relates to urban sanitary authorities].	54, ss. 20 (1) (2), 21, 25, 32 (2), 35 (4), 36 (1), 47 (4), Sch. II.
c. 58	Coal Mines Regulation	S. 7 (par. 5) rep. in part	10, s. 1.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 7 Edw. 7.
51 & 52 Vict.:			
c. 8	Customs and Inland Revenue -	S. 24 (3) extended -	13, s. 25 (2).
c. 41	Local Government - -	S. 69 am. (as to borrowing under Education Acts).	43, s. 3.
		S. 42 (10) rep. in part -	cxl., s. 29 (*Local*).
c. 50	Patents, Designs, and Trade Marks.	Repealed - - -	29, s. 98 (1), Sch. II.
c. 62	Preferential Payments in Bankruptcy.	S. 1 (1) amended -	50, s. 30.
52 & 53 Vict.:			
c. 10	Commissioners for Oaths -	S. 4 amended - -	25, s. 1.
c. 26	Small Debt Amendment (S.) -	S. 2, Sch. A. am.; s. 8 repealed.	51, ss. 42, 44, 52, Sch. II.
c. 50	Local Government (S.) - -	S. 9 (1) repealed - -	48, s. 1 (2).
		S. 93 applied with mods. -	41, s. 7.
c. 60	Preferential Payments in Bankruptcy (I.).	S. 4 (1) amended -	50, s. 30.
c. 65	Council of India Reduction -	Repealed - - -	35, s. 5.
53 & 54 Vict.:			
c. 8	Customs and Inland Revenue -	Ss. 7, 23, 24 amended -	13, ss. 17 (2), 23 (2), 27.
c. 21	Inland Revenue Regulation -	S. 22 (2) restricted -	13, s. 23 (1).
c. 39	Partnership - - - -	Applied to Limited Partnerships [subject to provisions of 7 Edw. 7. c. 24].	24, s. 7.
c. 60	Local Taxation (Customs and Excise).	Amended - -	13, s. 17 (2).
c. 63	Companies (Winding-up) -	S. 29 (2) repealed -	50, s. 51, Sch. IV.
c. 64	Directors' Liability - -	S. 5 restricted - -	50, s. 33.
c. 65	Allotments - - -	Am.; ss. 2 (1), 3 (1)–(3) rep.; ss. 2 (2), 4, 6 (2) (3) rep. in part.	54, ss. 24, 25, 36 (1), 47 (4), Sch. II.
54 & 55 Vict. c. 39	Stamp - - - -	S. 80 (2) rest. as to proxies executed abroad; s. 116 ext.; Sch. I. rep. in part and rest.; "Policy of Insurance" in Sch. I. explained.	13, ss. 6, 7, 8 (1) (2), 9, 11, 30 (1), Sch. III.
55 & 56 Vict. c. 31	Small Holdings - -	Am.; ss. 4, 7 ext.; ss. 9, 19 (1) am.; s. 18 (2) explained; ss. 1 (2), 2, 5, 16 rep. [except as to S.]; ss. 4 (2) (3), 11, 20 rep. in part [except as to S.].	54, ss. 8, 9, 10 (1), 11, 13, 14 (1), 36 (1), 47 (4), Sch. II.
56 & 57 Vict.:			
c. 42	Elementary Education (Blind and Deaf Children).	S. 7 repealed in part -	43, ss. 9, 17 (1), Sch.
c. 66	Rules Publication - -	S. 24 (1) restricted -	4, s. 1 (2).
		Applied with mod. -	32, s. 2.
c. 71	Sale of Goods - -	S. 1 (1) amended - -	23, s. 6.
c. 73	Local Government - -	Ss. 68, 70, 72, 85–88 applied; ss. 6 (3) (4), 9 (3) (5) (9) (13) (14) rep. in part; ss. 9 (16)–(18), 10 rep.	54, ss. 9, 10 (1), 11, 12 (1), 13, 14 (1), 20 (6), 47, Sch. II.
57 & 58 Vict.:			
c. 22	Injured Animals - -	Repealed - -	5, s. 3 (2).
c. 30	Finance - - -	S. 8 (11) ext.; ss. 11 (2), 19 am.; s. 17 virt. rep.; s. 34 restricted.	13, ss. 12–14, 17 (1), 19 (8), 30 (1), Schs. II., III.
c. 60	Merchant Shipping - - -	S. 78 amended - -	52, s. 1.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 7 Edw. 7.
59 & 60 Vict.:			
c. 16	Agricultural Rates	S. 2 amended	13, s. 17 (1), Sch. II.
c. 19	Public Health	Extended (as to Food Regulations).	32, s. 1 (1).
c. 28	Finance	S. 21 amended	13, s. 15.
c. 37	Agricultural Rates, &c. (S.)	S. 3 amended	13, s. 17 (1), Sch. II.
60 & 61 Vict. c. 38	Public Health (S.)	Ss. 57–59 amended Pt. IV. extended (as to Food Regulations).	30, s. 1. 32, s. 1 (3).
61 & 62 Vict.:			
c. 8	Sheriffs Tenure of Office (S.)	Repealed	51, s. 52, Sch. II.
c. 9	Reserve Forces and Militia	S. 1 amended	9, s. 32 (2).
c. 49	Vaccination	Am., s. 2 repealed	31, ss. 1, 2.
62 & 63 Vict.:			
c. 9	Finance	S. 11 amended	13, s. 8 (3).
c. 14	London Government	S. 2 (1) rep. in part	33, s. 1 (2).
c. 33	Board of Education	S. 4 (par. *a*) repealed	43, ss. 16 (1), 17 (1), Sch.
c. 36	Colonial Loans	Ss. 1 (2) (3), 2 (1) (2) applied with mods.	36, ss. 4 (3), 5 (3), Sch. II.
c. 51	Sale of Food and Drugs	S. 1 am.; ss. 2, 4, 17 ext.; s. 7 ext. with mod.; s. 7 (2) rep.	21, ss. 1 (1) (2), 2 (2)(5), 5 (1) (2), 6, 11 (1).
63 & 64 Vict.:			
c. 7	Finance	Ss. 2–7 rep. in part; s. 12 (2) am.	13, ss. 2, 3, 16, 30 (1), Sch. III.
c. 31	Isle of Man (Customs)	Ss. 1, 2 (2) continued	26, s. 1.
c. 48	Companies	Am.; ss. 2, 6, 11 app. with mods.; ss. 3 (3), 6 (4), (7), 10 (1), (4 (prov. *b*)), 12 (2) (*c*), 14, 23 rep.; s. 2 (3) rep. in part; ss. 8, 10(4), 12, 19 am.; s. 7 ext.	50, ss. 1 (2), 2, 4, 6 (3), 8, 10, 19–22, 34, 51, Sch. IV.
c. 49	Town Councils (S.)	S. 12 repealed in part	48, s. 1 (2).
c. 50	Agricultural Holdings	Sch. I. exended	54, s. 35.
c. 53	Elementary Education	S. 5 repealed	43, s. 17 (1), Sch.
1 Edw. 7:			
c. 18	Patents	Repealed	29, s. 98 (1), Sch. II.
c. 20	Youthful Offenders	S. 12 repealed	17, s. 10 (1), Sch.
c. 22	Factory and Workshop	S. 57 repealed Ext. to laundries, &c.; s. 103 rep.; ss. 60, 114 (2), Sch. VI., (Pt. II.) am.	10, s. 1. 39, ss. 1, 2, 4, 7 (3).
2 Edw. 7:			
c. 34	Patents	Repealed	29, s. 98 (1), Sch. II.
c. 42	Education	Ss. 2, 19 am.; s. 17 (5) ext.; s. 23 (2) rep. in part; Powers under Pt. III. extended.	43, ss. 4, 7, 11, 12, 13, 17 (1), Sch.
3 Edw. 7:			
c. 27	South African Loan and War Contribution.	S. 1 (2)–(6) applied with mods.	37, s. 1 (2), Sch. II.
c. 37	Irish Land	S. 54 (4) amended S. 23 (5) repealed	38, s. 2 (1). 56, s. 16 (2).
5 Edw. 7:			
c. 4	Finance	S. 7 (4) amended	13, s. 29.
c. 13	Aliens	S. 3 amended	23, s. 21.
6 Edw. 7:			
c. 18	Isle of Man (Customs)	S. 1 continued	26, s. 1.
c. 37	Labourers (I.)	S. 13 (1) amended	44, s. 3.
7 Edw. 7. c. 28	Patents and Designs (Amendment).	Repealed	29, s. 98 (1), Sch. II.

TABLE IV.

A LIST

OF

THE LOCAL AND PRIVATE ACTS,

(7 Edw. 7. 1907)

ARRANGED IN CLASSES.

Class I.—Bridges, Ferries, Roads, Subways and Tunnels.
- (1) Bridges.
- (2) Ferries.
- (3) Roads.
- (4) Subways and Tunnels.

" II.—Railways, Tramroads and Tramways.
- (1) Railways.
- (2) Tramroads and Tramways.
- (3) Light Railways.

" III.—Canals, Rivers and Navigations.

" IV.—Harbours, Docks, Ports, Piers and Quays.

" V.—Local Government (including Judicial Matters, Poor Law and Public Health).

" VI.—Lighting, Power and Heating.
- (1) Gas.
- (2) Electricity.

" VII.—Water Supply.

" VIII.—Drainages and Drainage Embankments.

" IX.—Inclosures, Open Spaces, &c.
- (1) Inclosures and Allotments.
- (2) Open Spaces, Commons and Parks.

" X.—Fisheries.

" XI.—Charitable and Educational, &c., Foundations and Institutions.

Class XII.—Ecclesiastical Affairs (including Tithes and Marriage Confirmation).

„ XIII.—Personal and Private (including Estates).

(1) Annuities and Grants of Money.
(2) Divorce.
(3) Estates.
(4) Names, Change of.
(5) Naturalization.
(6) Patents.
(7) Restoration of Dignities.
(8) Miscellaneous.

„ XIV.—Trading and other Companies.

(1) Banking and Investment.
(2) Cemetery.
(3) Insurance.
(4) Land and Building.
(5) Miscellaneous.

„ XV.—Crown.

„ XVI.—Provisional Orders Confirmation.

Note.—In this Table, words, printed in *italics*, following the Title, are added to explain the principal purposes of the Act; where none are added, and the Title itself conveys no explanation, the Act may be considered as one giving General Powers.

Class I.—Bridges, Ferries, Roads, Subways and Tunnels.

(1) *Bridges:*

Middlesbrough Corporation (Transporter Bridge). c. xx.

(2) *Ferries:*

Middlesbrough Corporation (Transporter Bridge) (*Discontinuance of Middlesbrough and Port Clarence Ferry*). c. xx.

(3) *Roads:*

Armagh Urban District Council (*Cesser of annual road contribution to County Council, &c.*) c. cxlviii.

(4) *Subways and Tunnels: Nil.*

Class II.—Railways, Tramroads and Tramways.

(1) *Railways:*

Alexandra (Newport and South Wales) Docks and Railway (Additional Capital, &c.). c. clxxii.
Barry. c. clxxiii.
Brecon and Merthyr (*Additional lands and capital, &c.*). c. xxviii.
Central London. c. lxxxiii.

Class II.—Railways, Tramroads and Tramways—*continued.*

(1) *Railways*—continued.

Collooney Ballina and Belmullet Railways and Piers (*Incorporation of Company*). c. cxxiv.
Great Central. c. lxxviii.
Great Northern and City. c. lxxvi.
Hull and Barnsley. c. lxvii.
Lancashire and Yorkshire. c. cxxv.
London and North Western. c. lxxxvii.
London and North Western (Superannuation Fund). c. xi.
Metropolitan (Pension Fund) (*Establishment, &c.*). c. xxxiii.
Midland. c. cxxx.
Neath Pontardawe and Brynaman (*Extension of time*). c. cxxxix.
North British. c. ciii.
North East London. c. x.
North Staffordshire. c. cxlvii.
Plymouth and North Devon Direct (Abandonment). c. xii.
Port Talbot Railway and Docks (*Additional capital*). c. xxix.
South Eastern and London Chatham and Dover. c. xxxii.
South Wales Mineral. c. cvii.
Taff Vale. c. xliii.

[*For Act confirming Provisional Order under Private Legislation Procedure (Scotland) Act*, 1899, *see* Class XVI. (12).]

(2) *Tramways and Tramroads:*

Folkestone Sandgate and Hythe Tramways. c. xiv.
Glasgow Corporation. c. cxlvi.
King's Norton and Northfield Urban District Council. c. lxxxvi.
London County Council (Tramways and Improvements). c. cxliv.
London United Tramways (*Extension of time*). c. lxxii.
Maidstone Gas (*Construction of tramroad*). c. xxiii.
Manchester Corporation Tramways. c. cii.
Middlesbrough Stockton-on-Tees and Thornaby Tramways. c. xcvi.
Oxford and District Tramways. c. cxlii.
Rawtenstall Corporation. c. lxxvii.
Sheffield Corporation. c. xciii.
West Riding Tramways (*Extension of time*). c. iii.
West Yorkshire Tramways. c. xvi.

[*For Acts confirming Provisional Orders under Private Legislation Procedure (Scotland) Act*, 1899, *and Tramways Act*, 1870, *see* Class XVI. (12), (15).]

(3) *Light Railways:*

Great Central Railway (*Agreements with Blyton and Frodingham and North Lindsey Light Railway Companies. Power to North Lindsey Company to construct new railways and wharves*). c. lxxviii.

Class III.—Canals, Rivers and Navigations.

Humber Conservancy (*Dissolution of Conservancy and Pilotage Commissioners. Incorporation of Board, &c.*). c. xcvii.
Manchester Ship Canal (Bridgewater Canal) (*Working mines under portion of, &c.*). c. xv.
Manchester Ship Canal (Various Powers). c. xxx.
Medway Lower Navigation (*Extension of jurisdiction of Company*). c. iv.
Tees Conservancy (*Extension of time for sale of reclaimed lands. Superannuation Fund*). c. civ.
Tyne Improvement. c. xxvi.

[*For Acts confirming Provisional Orders under Private Legislation Procedure (Scotland) Act*, 1899, *and Railway and Canal Traffic Act*, 1888, *see* Class XVI. (12), (14).]

Class IV.—Harbours, Docks, Ports, Piers and Quays.

Alexandra (Newport and South Wales) Docks and Railway (Additional Capital, &c.). c. clxxii.
Bristol Corporation (*Additional borrowing power for dock works*). c. xxiv.
Burnham (Somerset) Pier (*Incorporation of Company. Transfer of Order of* 1906. *Power to Barry Railway Company to subscribe*). c. lxvi.
Collooney Ballina and Belmullet Railways and Piers (*Incorporation of Company*). c. cxxiv.
Great Central Railway (*Power to North Lindsey Light Railways Company to construct wharves*). c. lxxviii.
Great Yarmouth Port and Haven. c. xlii.
Hull and Barnsley Railway (*Power to construct pier at Hull*). c. lxvii.
North British Railway (*Power to construct dock at Methil. Power to Burntisland Harbour Commissioners to lease lands for graving dock*). c. ciii.
Port Talbot Railway and Docks (*Additional Capital*). c. xxix.
Swansea Harbour. c. cxli.
Weston-super-Mare Grand Pier (*Extension of time*). c. ix.

[*For Acts confirming Provisional Orders under General Pier and Harbour Act*, 1861, *and Private Legislation Procedure (Scotland) Act*, 1899, *see* Class XVI. (5), (12).]

Class V.—Local Government (including Judicial Matters, Poor Law and Public Health).

Aberdeen Corporation Electricity. c. cxxxv.
Armagh Urban District Council. c. cxlviii.
Ashton-under-Lyne Stalybridge and Dukinfield (District) Waterworks. c. xcii.
Birkenhead Corporation Water. c. cxxxi.

Class V.—Local Government (including Judicial Matters, Poor Law and Public Health)—*continued.*

Birmingham Corporation (*Power to acquire lands for purposes of Military Lands Acts, &c.*). c. xviii.
Birmingham Corporation Water. c. xli.
Brighouse Corporation. c. lxix.
Bristol Corporation (*Additional borrowing power for dock works*). c. xxiv.
Broadstairs and St. Peter's Urban District Water. c. cxxvi.
Burnley Corporation (*Power to retain, &c., surplus lands*). c. xxv.
City of London (Union of Parishes). c. cxl.
Coventry Corporation. c. ci.
Devonport Corporation. c. lxxix.
Glasgow Corporation. c. cxlvi.
Heywood and Middleton Water Board. c. lxxi.
Kendal Corporation. c. lxxxii.
Kensington Borough Council (Superannuation). c. xciv.
Keswick Urban District Council (Water). c. xxvii.
King's Norton and Northfield Urban District Council. c. lxxxvi.
Kingston-upon-Hull Corporation. c. cvi.
Leeds Corporation. c. lxxxi.
London County Council (General Powers). c. clxxv.
London County Council (Money). c. cxxxviii.
London County Council (Tramways and Improvements). c. cxliv.
Manchester Corporation Tramways. c. cii.
Merthyr Tydfil Stipendiary Justice. c. cxxviii.
Metropolitan Water Board (Charges). c. clxxi.
Metropolitan Water Board (Various Powers). c. clxxiv.
Middlesbrough Corporation (Transporter Bridge). c. xx.
Penrith Urban District Council. c. lxxxviii.
Pontypridd Urban District Council. c. lxxiii.
Rawtenstall Corporation. c. lxxvii.
Renfrewshire Upper District (Eastwood and Mearns) Water. c. cxliii.
St. Neot's Urban District Council. c. xxxix.
Sheffield Corporation. c. xciii.
Southport Birkdale and West Lancashire Water Board. c. lxviii.
Sunderland Corporation. c. c.
Tees Valley Water (Consolidation). c. lxxx.
Tynemouth Corporation (Water). c. xcv.
Western Valleys (Monmouthshire) Sewerage Board. c. cxxvii.
York (Micklegate Strays) (*Acquisition by Corporation, &c.*). c. clxxvi.

[*For Acts confirming Provisional Orders under Acts relating to subjects embraced in this Class, see* Class XVI.]

Class VI.—Lighting, Power and Heating.

(1) *Gas:*

Annfield Plain and District (*Incorporation of Company*). c. cv.
Basingstoke. c. vi.
Boston Spa (*Dissolution and re-incorporation*). c. xxxvii.
Brockenhurst (*Incorporation of Company*). c. xxxvi.
Bude (*Incorporation of Company*). c. lxxxv.

Class VI.—Lighting, Power and Heating—*continued.*

(1) *Gas*—continued.

Falmouth. c. vii.
Gas Companies (Removal of Sulphur Restrictions). c. v.
Glasgow Corporation. c. cxlvi.
Grays and Tilbury (*Dissolution and re-incorporation*). c. xxxv.
Llandrindod Wells (*Incorporation of Company*). c. cxxxvii.
Maidstone (*Extension of limits. Power to construct tramroad, &c.*). c. xxiii.
Mitcham and Wimbledon. c. xvii.
Penrith Urban District Council. c. lxxxviii.
Pontypridd Urban District Council. c. lxxiii.
Shanklin (*Dissolution and re-incorporation*). c. xxxi.
Worthing. c. lxxxix.

[*For Acts confirming Provisional Orders relating to Gas Undertakings, see* Class XVI. (4), (12).]

(2) *Electricity:*

Aberdeen Corporation Electricity. c. cxxxv.
Brighouse Corporation. c. lxix.
Coventry Corporation (*Extension of limits*). c. ci.
Devonport Corporation. c. lxxix.
Electric Supply Corporation Limited (*Transfer of certain undertakings, &c.*). c. xci.
Glasgow Corporation. c. cxlvi.
King's Norton and Northfield Urban District Council. c. lxxxvi.
North Metropolitan Electric Power Supply. c. xcviii.
Rawtenstall Corporation. c. lxxvii.
Richmond (Surrey) Electricity Supply. c. xcix.
Sheffield Corporation. c. xciii.
Sunderland Corporation. c. c.

[*For Acts confirming Provisional Orders relating to Electric Lighting Undertakings, see* Class XVI. (3), (12).]

Class VII.—Water Supply.

Ashton-under-Lyne Stalybridge and Dukinfield (District). c. xcii.
Birkenhead Corporation. c. cxx
Birmingham Corporation. c. xli. xi.
Broadstairs and St. Peter's Urban District. c. cxxvi.
Colne Valley (*Additional Capital, &c.*). c. cxlv.
Coventry Corporation. c. ci.
Devonport Corporation. c. lxxix.
Great Yarmouth Waterworks and Lowestoft Water and Gas. c. lxxxiv.
Heywood and Middleton Water Board. c. lxxi.
Keswick Urban District Council. c. xxvii.
Leeds Corporation. c. lxxxi.
Metropolitan Water Board (Charges). c. clxxi.
Metropolitan Water Board (Various Powers). c. clxxiv.
Newquay and District. c. xix.
Penrith Urban District Council. c. lxxxviii.

Class VII.—Water Supply—*continued.*

Portishead District. c. cxxiii.
Renfrewshire Upper District (Eastwood and Mearns). c. cxliii.
St. Neot's Urban District Council. c. xxxix.
Selsey (*Incorporation of Company*). c. cxxix.
Sheffield Corporation. c. xciii.
Southend. c. lxv.
Southport Birkdale and West Lancashire Water Board. c. lxviii.
Tees Valley (Consolidation). c. lxxx.
Tynemouth Corporation. c. xcv.
Wisbech (*Extension of limits, &c.*). c. lxxiv.

[*For Acts confirming Provisional Orders relating to Water Undertakings, see* Class XVI. (4), (9), (10), (12).]

Class VIII.—Drainages and Drainage Embankments.

[*For Acts confirming Provisional Orders under Land Drainage Act*, 1861, *see* Class XVI. (7).]

Class IX.—Inclosures, Open Spaces, &c.

(1) *Inclosures and Allotments:*

Penrith Urban District Council. c. lxxxviii.

(2) *Open Spaces, Commons and Parks:*

Kendal Corporation (*Transfer of powers of Fell Trustees*). c. lxxxii.
London County Council (General Powers). c. clxxv., s. 74.
National Trust (*Incorporation*). c. cxxxvi.
York (Micklegate Strays) (*Acquisition by Corporation, &c.*). c. clxxvi.

Class X.—Fisheries.

Nil.

Class XI.—Charitable and Educational, &c., Foundations and Institutions.

Alton Military Hospital (*Power to use as a Cripples' Home, &c.*). c. xc.
Apothecaries (*Qualification, &c., of Licentiates*). c. xxii.
King Edward's Hospital Fund for London (*Incorporation*). c. lxx.
National Trust (*Incorporation*). c. cxxxvi.
United Methodist Church. c. lxxv.

[*For Acts confirming Provisional Orders under Acts relating to subjects embraced in this Class, see* Class XVI. (1), (2), (12).]

Class XII.—Ecclesiastical Affairs (including Tithes and Marriage Confirmation).

Sutton Coldfield Rectory. c. xl.

[*For Act confirming Provisional Order under Provisional Order (Marriages) Act*, 1905, *see* Class XVI. (13).]

Class XIII.—Personal and Private (including Estates).

(1) *Annuities and Grants of Money: Nil.*

(2) *Divorce:*

Byrne.
FitzGerald.
Galwey.
Killery.
Murphy Grimshaw (Validation).

(3) *Estates: Nil.*

(4) *Names, Change of:*

Baines.

(5) *Naturalization: Nil.*

(6) *Patents:*

Harrison (*Improvements in elastic wheels*). c. xxxviii.

(7) *Restoration of Dignities: Nil.*

(8) *Miscellaneous:*

Pasley Children Legitimisation.

Class XIV.—Trading and other Companies.

(1) *Banking and Investment:*

Royal Bank of Scotland (*Alteration of Charters and Act*). c. xxi.

[*See also* Class XVI. (12).]

(2) *Cemetery: Nil.*

(3) *Insurance:*

General Accident Fire and Life Assurance Corporation (*Power to issue insurance coupons, &c.*). c. xliv.
Ocean Accident and Guarantee Corporation Limited. c. xlv.
Royal Insurance Company's. c. ii.

(4) *Land and Building: Nil.*

(5) *Miscellaneous:*

Borax Consolidated Limited. c. xiii.
Simon-Carves Bye-Product Coke Oven Construction and Working Company Limited. c. xxxiv.
Staveley Coal and Iron Company Limited. c. viii.

Class XV.—Crown.

Alton Military Hospital (*Power to use as a Cripples' Home, &c.*). c. xc.
Post Office (Sites). c. cxxxii.

Class XVI.—Provisional Orders Confirmation.

(1) *Under Charitable Trusts Acts, &c.:*

Scheme of Board of Education. c. cx. (Hulme Trust).
Schemes of Charity Commissioners. c. cxx.; c. cxxi.; c. cxxii.

(2) *Under Education Acts*, 1870–1903:

Orders of Board of Education. c. lix. (Surrey, &c.); c. lx. (London No. 2); c. cxii. (London No. 1).

(3) *Under Electric Lighting Acts:*

Orders of Board of Trade. c. liv. (No. 1); c. lv. (No. 2); c. lvi. (No. 4); c. lvii. (No. 5); c. cxiv. (No. 3).

(4) *Under Gas and Water Works Facilities Act*, 1870:

Orders of Board of Trade. c. lxiii. (Gas and Water (No. 1)); c. cxiii. (Gas and Water (No. 2)).

(5) *Under General Pier and Harbour Act*, 1861:

Orders of Board of Trade. c. cxv. (No. 3); c. cxvi. (No. 4); c. cxviii. (No. 1); c. cxix. (No. 2).

(6) *Under Housing of the Working Classes Act*, 1890:

Orders of Local Government Board for Ireland. c. liii. (No. 2) (*Fermoy*); c. cviii. (No. 1) (*Dalkey*).

(7) *Under Land Drainage Act*, 1861:

Orders of Board of Agriculture and Fisheries. c. li. (No. 1) (*Keadby*); c. lii. (No. 2) (*Oulton Carlton, &c., Marshes*).

(8) *Under Local Government Acts:*

(*a*) *Local Government Act*, 1888:

Orders of Local Government Board. c. clvi. (No. 6); c. clviii. (No. 8); c. clxii. (No. 12); c. clxiii. (No. 13).

(*b*) *London Government Act*, 1899:

Scheme of Committee of Privy Council. c. xlvi. (Southwark Borough Market).

(*c*) *Public Health Act*, 1875:

Orders of Local Government Board. c. cli. (No. 1); c. clii. (No. 2); c. cliii. (No. 3); c. cliv. (No. 4); c. clv. (No. 5); c. clvii. (No. 7); c. clix. (No. 9); c. clx. (No. 10); c. clxi. (No. 11); c. clxiv. (No. 14); c. clxv. (No. 15).

Class XVI.—Provisional Orders Confirmation—*continued.*

(9) *Under Local Government (Ireland) Acts:*

Public Health (Ireland) Acts, 1878–1900:

Orders of Local Government Board for Ireland. c. liii. (No. 2); c. cviii. (No. 1); c. cix. (No. 3).

(10) *Under Local Government (Scotland) Acts:*

Burgh Police (Scotland) Act, 1892:

Order of Secretary for Scotland. c. lviii. (Ladybank Sewerage Drainage and Water).

(11) *Under Metropolitan Police Act*, 1886:

Order of Secretary of State. c. xlviii.

(12) *Under Private Legislation Procedure (Scotland) Act*, 1899:

Orders of Secretary for Scotland, viz.:

Class II. (1) c. clxvi.
„ II. (2) c. i.; c. lxii.; c. lxiv.; c. cxlix.
„ III. c. lxi.
„ IV. c. clxix.
„ V. c. lxii.; c. cxi.; c. cxxxiii.; c. cxxxiv.; c. cl.; c. clxvii.; c. clxx.
„ VI. (1) c. lxii.
„ VI. (2) c. lxii.
„ VII. c. clxvii.
„ XI. c. clxviii.
„ XIV. (1) c. xlix.

(13) *Under Provisional Order (Marriages) Act*, 1905:

Order of Secretary of State. c. xlvii.

(14) *Under Railway and Canal Traffic Act*, 1888:

Order of Board of Trade. c. l. (New Junction Canal).

(15) *Under Tramways Act*, 1870:

Orders of Board of Trade. c. cxvii.

TABLE V.

INDEX

TO THE

PUBLIC GENERAL STATUTES,

7 EDWARD 7.—A.D. 1907.

Note.—The capital letters placed after the chapter have the following signification :—

E.	*that the act relates to*		England (and Wales, if it so extend).
S.	,,	,,	Scotland exclusively.
I.	,,	,,	Ireland exclusively.
U.K.	,,	,,	Great Britain and Ireland (and Colonies, if it so extend).
Ind.	,,	,,	India specially.
C.	,,	,,	The Colonies specially, or any of them.

*** Several Public Acts of a Local Character, which have been placed among the Local Acts, are entered in this Index, with a reference to the Table in which they will be found.

A.

Aberdeen Corporation Order Confirmation. *See* Table IV., Class XVI. (12).

Aberdeen Harbour Order Confirmation. *See* Table IV., Class XVI. (12).

Acts of Parliament. *See*—
Australian States Constitution Act (c. 7). Page 13.
Evidence (Colonial Statutes) Act (c. 16). Page 67.
Expiring Laws Continuance Act (c. 34). Page 178.
Patents and Designs Act (c. 29). Page 136.

Address to His Majesty. *See*—
Criminal Appeal Act (c. 23, s. 18 (3)). Page 108.
Territorial and Reserve Forces Act (c. 9, ss. 16, 17 (1), 37). Pages 28, 37.

Administration of Justice. *See*—
Commissioners for Oaths (Prize Proceedings) Act (c. 25). Page 115.
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